

FROM LIFE TO DEATH

Coroner Called to Investigate Suicides.

(From Saturday's daily.)

YESTERDAY was a day of suicide sensations, one man killing himself at Kalihi and the body of another unfortunate being found in the Manoa Valley.

Despondent and worried over money matters and unequal to the task of providing for the wants of his large family, A. M. Hewitt, a kamasina well known as a sugar checker or tally clerk on the water front, shot himself fatally yesterday afternoon about 3 o'clock at his home in Kalihi. Mr. Hewitt was a man about 35 years of age, an Englishman by birth, and a resident of Honolulu for more than a quarter of a century. He was at one time employed on the Ookala plantation, later with the Hawaiian News Company, but of recent years he has attended to the checking of sugar on the wharves.

News of the suicide reached the police station about 2:30, and shortly after 3 a coroner's jury went to the home of the deceased, in charge of Deputy Sheriff Chillingworth. The body was found stretched out upon the floor of the front bedroom, where it had fallen. Pools of blood lay here and there around the remains. The head was propped up with a pillow, the wife having placed it there when she endeavored to succor the wounded man. In the house were the seven young children of the couple, the youngest only a month old, who were being comforted by neighbors. From the stories told by Mrs. Hewitt and others, Hewitt had been drinking recently and brooded over his lack of money. He came home yesterday about noon with a package of meat and asked his wife to cook the same. While doing so J. R. Holt came to the house with some books of accounts, which he and Mr. Hewitt went over. Mr. Holt remained about an hour and then took his departure. A few minutes after he had gone, Mr. Hewitt said he was going to kill himself. His wife told him to eat his lunch, as it was getting cold. He, however, took a revolver from the bureau, Mrs. Hewitt begged him not to do anything rash, and asked him for his children's sake to desist. He answered roughly that he didn't care what became of the children. She attempted to wrest the weapon from his hands, but he struck her a vicious blow with his free fist upon her upper jaw. She fell back, ran to the window and called for help. While doing this she heard a shot and turned about just in time to see her husband fall, blood gushing from his mouth and from a wound in the back of the head where the bullet had emerged. He did not speak and it was evident he had been instantly killed.

In her testimony before the jury Mrs. Hewitt tearfully told the sad story. She said she was Mrs. Pauline Hewitt. She thought her husband was out of his head during the past few weeks, and he seemed to have had some trouble down town about money. He was often drunk. He formerly worked with Brewer & Co., but had no steady work of late. He complained of having trouble with everybody. He seemed to be angry but would not tell her why. "I tried to get the revolver away from him," said Mrs. Hewitt, "but he hit me in the face with his fist. He said he would kill me, too, if I didn't let him alone. I rushed to the window and then I heard the shot. He was standing in front of the bureau when he did it. I prayed to him to think about his children, but he said he did not care anything about them."

The body was removed to H. H. Williams' undertaking establishment and the funeral will take place today. The jury returned a verdict in accordance with the facts given them, asserting that he came to his death by shooting self-inflicted.

The widow and her large family of small children are left in a sad plight by the death of the husband and father and are practically without means.

THE MANOA TRAGEDY.

Coroner Chillingworth and jury had hardly left the residence of the late A. M. Hewitt yesterday afternoon before they were met on the road by a messenger from the police station who informed the coroner that a dead man had just been found in a shed in Manoa valley with the top of his head blown off and a revolver lying beside him.

The party proceeded at once to the police station, where J. Bolander, the man who found the body, was detained pending the arrival of the deputy sheriff. Bolander stated that he came across the body while exploring the country around the Manoa end of the Rapid Transit line and wrapping the revolver up in his handkerchief, brought it to the police station to confirm his story.

With Bolander as guide, the coroner and a jury set out to view the remains, which were found in an old shed about a half a mile from the end of the car line and in the direction of Kamolihi. The spot was a deserted one, situated in the middle of a thicket of algaroba and lantana.

The body, which from its condition had probably lain in the shed nine or ten days, was huddled in a corner of the shack and presented a ghastly sight, the features being quite unrecognizable; indeed, it was impossible to

state definitely the nationality of deceased. By his side lay an axe and several articles of clothing, evidently taken off before the fatal shot was fired. The clothes were brand new and had the appearance of never having been worn. They consisted of a black coat and vest, a white silk shirt, a white straw hat with blue band and a clean celluloid collar, all bearing the trademark of a Japanese merchant. Nothing was found in the pockets but a piece of pencil and there was absolutely no clue as to the identity of the body. The revolver was a 32-caliber gun, well made and with an extra long barrel.

The body was interred on the spot by two trustees, who dug a rude grave by the glimmer of a lantern and then the party turned their backs upon the scene of the tragedy and returned to town to assemble again at noon on Sunday for the purpose of holding an inquest.

Deputy Sheriff Chillingworth is of the opinion that the body is that of a Japanese who committed suicide. He inclines to the opinion that the dead man is none other than Muranaka, whom the police have been searching for for the past two weeks. Muranaka got into a variety of trouble. While under bonds to appear at the Circuit Court to answer a charge of assault with a weapon, he recently attempted to kill a countryman named Fugli at Kamolihi by shooting at him with a revolver. The shot was fired at close range and the ball grazed Fugli's face. A hue and cry was immediately raised and a price set upon Muranaka's head.

The dead man was evidently familiar with the place where he met his death and it is more than probable that the body is none other than that of Muranaka, who resided not far from the scene of the shooting. He probably contemplated taking a boat to Japan and with this end in view purchased a new outfit of wearing apparel. Finding, however, that escape was impossible, he returned to his hiding place in the shed and ended his life.

Two facts stand out somewhat strangely. First, that there was nothing whatever found upon the body and second, that he disrobed when he must have contemplated shooting himself in the head. Had he intended shooting himself in the heart he would have removed his clothes to ensure the barrel of the gun being placed where he thought his heart was. He may, however, have lain down to sleep and so undressed himself, firing the fatal shot when he awoke.

An inquest was held yesterday afternoon on the body found last Friday in a shed up in Manoa Valley. The only witness was J. Bolander, the man who made the gruesome find.

The coroner's jury returned a verdict to the effect that deceased, whose name and nationality are unknown, came to his death from a gunshot wound, said wound being self-inflicted, with suicidal intent.

Every effort has been made by the police to have the clothing of the dead man identified, but to no effect. Several Japanese who were acquainted with Muranaka, the Japanese fugitive from justice, have inspected the clothing found in the shed, but can't say definitely if it belonged to Muranaka or not.

So, for the time being, at least, the identity of the suicide must remain shrouded in mystery.

The steamer Kauai arrived from Punaluu at 2 p. m. on Saturday. She brought 605 bags of sugar and two of the inter-island screws which were washed ashore while the Kauai was working at Punaluu, and badly damaged.

PICTORIAL HISTORY OF THE WEEK



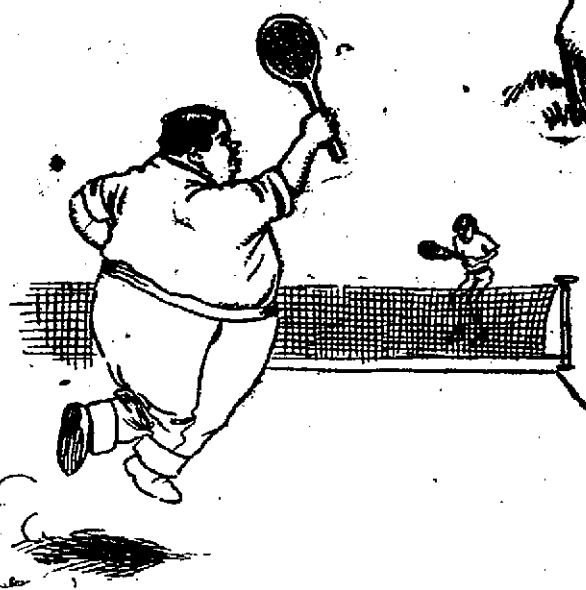
CAPT. BERGER AND HIS BAND RECEIVE A 'HAND OUT' FROM MAUI.



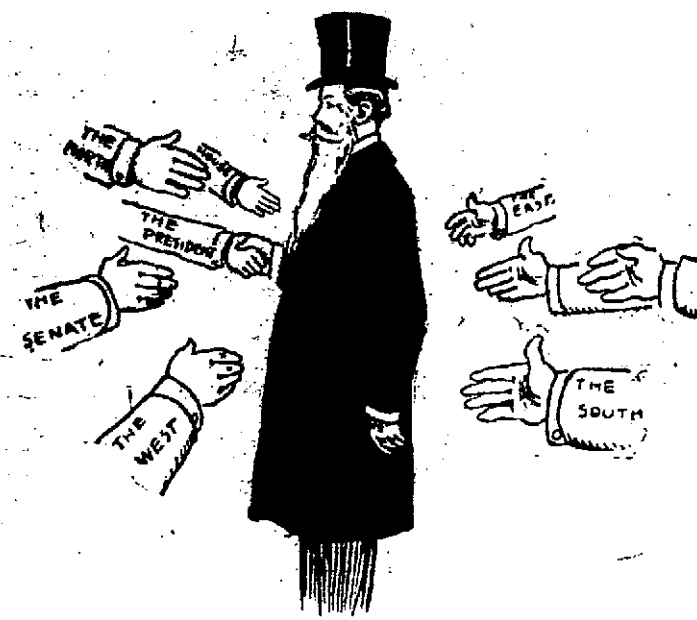
AN ARTICLE OF THIS DESCRIPTION IS AT LARGE IN THE VICINITY OF MANOA VALLEY. IS IT A BANDERLOG?



LAHAINA IS TO HAVE A WATER SYSTEM.



THE TENNIS TOURNAMENT IS ON.



GOV. DOLE IS ENDORSED ON ALL SIDES.

HARD TO FIND LANDING PLACE FOR THE CABLE

SO many difficulties have been encountered in finding a break in the encircling reefs through which the Pacific cable may be brought to Hawaii that before any decision as to the proper landing place is reached by Manager S. S. Dickenson it may be necessary for him to return to San Francisco and ascertain just what will be the draught of the cable ship, and other mechanical points which will enter into the laying of the cable close inshore.

Surveyor Wall and Mr. Dickenson concluded their investigation of the shore line east of Honolulu Saturday. They went out as far as Honoumuli bay, inspecting the closer waters on their way. The proposed sites were not pleasing to Mr. Dickenson, and he said that the coral was too sharp to expect great life for a cable laid across it. In addition the shores of Honoumuli bay were too steep for the landing of the line there.

Today will see the investigators turning their attention to the west, where a close investigation will be made of Kalihi bay. There is a good, though narrow entrance there, and it remains to be seen just whether or not there can be effected an entrance should the cable be laid into those waters. The present outlook is that a break will have to be made through some of the lighter coral so that the cable may be brought to shore without any danger.

What may delay for a short time the selection of the landing place is the presence of shoal water just where

WAHIAWA DITCH IS OPENED AMID COLONISTS' CHEERS

AMID the cheers of the people of the Wahiawa Colony who had gathered at the headwaters of the Kaukonahua stream in the Koolau mountains, mauka of the Wahiawa tract, the headgate of the irrigating ditch, just completed by the Wahiawa Water Company, was opened on Saturday last at 2 p. m. This allowed the water to turn from its natural course down the canon into the artificial one leading through a series of tunnels upon the lands of the colony.

The trail leading to the headgate of the ditch is a long one, since it follows around the numerous spurs and canons of the mountains, until the water in the stream is intersected. This trail gives an opportunity of seeing a most wonderful piece of natural scenery. A party which included several people from Honolulu interested in the scheme were able to make the trip on horseback with the exception of the last mile or so. It was evident that the trail had been a big expense to the work, since it led through a country otherwise impassable and up to that time practically unexplored.

Just before lifting the levers that opened the gate, Mr. L. G. Kellogg, manager of the Wahiawa Water Company, and to whom a great deal of credit belongs for the final success in the construction of the ditch, made a few remarks. He said in part: "In the development of this water supply the first and vital point was the settlement of all controversies in regard to the ownership of the water and water rights by an agreement with the Wahiawa Agricultural Company, Ltd., and others."

"Second, by obtaining a license from the Government to go upon the Government lands mauka of Wahiawa and bring out the waters upon the land of the colony. The last important point was ascertaining by survey whether or not the said water could be brought by gravity to the higher lands of the colony."

1900. The contour trail was then begun by ascertaining the point at which it was desired to discharge the water upon the colony lands to the point at which the water could be taken from the stream. The contour surveys and check levels were then run over this trail, by which the course and extent of the proposed ditch were ascertained and plotted, showing the number and length of the tunnels. The tunnels are thirty-seven in number. The longest one is 1838 feet in length; five others are over 1000 feet in length. The ditch from the headgate to the mouth of the last tunnel is three and three-quarter miles in length. In this whole distance there is only 1500 feet of open ditch."

Mr. Kellogg, in closing, said that great credit was due the men who had charge of the engineering and construction of the ditch since the dense forest and frequent rains made the work slow and difficult.

The cost of the construction of the ditch is about \$80,000. The earth encountered in the excavations of the ditch and tunnels was of three classes, earth, soft rock or shale, and hard blue lava rock. The amount of material removed was 7000 cubic yards of earth, 4000 cubic yards of hard rock, 35,000 cubic yards of soft rock or shale. The excavation of all the tunnels was done by contract by A. A. Wilson, of Waialua. The work was commenced in September, 1900, and completed in December, 1901.

H. Clay Kellogg, of Santa Ana, Cal., was the chief engineer. He was ably assisted by Eugene Valjean, of Anaheim, Cal., who, towards the last, had the entire supervision of carrying out the plans. Mr. Valjean completed the work in a very efficient manner under unusual difficulties. The contour trail is twelve and one-half miles in length and a great portion is on the face of almost perpendicular bluffs.

By gaining a continuous supply of water one of the greatest and no doubt the greatest problem facing the colonists at Wahiawa has been solved. A farmer can adapt his crop to the climate, he can amend his soil if it is poor, but a water supply must be present to insure success.

DECORATION DAY.

The special committee of the Grand Army of the Republic which has in charge the celebration of Decoration Day will meet Monday evening and then arrange plans for the various details of the event. The committee consists of Chairman C. H. Dickey, Commodore Turrell, Eaton, Deitz and Cooke. Their plans are not for any alterations in the general scheme for the day but they will have to select an orator, to arrange for a parade and the participation in the event of the various organizations.

The plan in general will be the parade to the Nuuanu cemetery, the oration there, with perhaps other patriotic features, such as readings, and then the firing of the salute to the dead.

The special service for the dead of the army will be held at St. Andrew's Cathedral, on the evening of the Sunday preceding Decoration Day, May 12th, when the sermon will be preached by the Rev. Alexander Mackintosh. This will be the first time that the service of the Grand Army has been held at the Cathedral, as heretofore the church has been Anglican. The invitation was extended by Bishop Nichols and accepted before his departure.

Rough weather is reported on the weather side of Kauai.

CATHOLICS TO PROTEST

Want Governor to Intercede for Wendelin.

CATHOLIC opinion is running so high over the order to Father Wendelin to leave the Leper Settlement by June 10 that steps may be taken today to consult legal authorities as to the power of the Board of Health over the priest. In addition there will be petitions sent through the city and a mass meeting held for the purpose of entering a protest against the use of the board's power, and requesting the Governor to interfere.

This action was taken at a meeting of members of the Cathedral parish last evening in the rooms of the Catholic Club, at which were present more than a score of men, hastily gathered from the congregation. The bishop of Panopolis was present, as the men in the meeting wanted his counsel in the matters before them. Throughout there was the utmost harmony, and each speech made showed the feeling which animated those present. The meeting was organized by the election of Clem Quinn as chairman.

Bishop Guilan was first asked to explain the status of the Father Wendelin matter. He said that he had received a letter from Father Wendelin, enclosing one from the Board of Health, which directed the priest to depart from the settlement by June 10th. Father Wendelin also thanked the bishop and the priests of the mission for their efforts in his behalf, and further said that he thought there should be nothing further done by them officially. This met with the approval of the bishop, as he said to go to greater lengths would result in loss of prestige on the part of the church.

John Wirtz was recognized and made an impassioned address. He said that all lovers of justice, irrespective of their religion, were opposed to the action of the Board of Health in that they felt that to remove the priest now would place him under a cloud for all time. He declared that a hero of Molokai must have the protection of the men of his religion, and that there must be no delay in making a strong fight for what he called justice. He advocated making a legal fight by the securing of an injunction, petitioning the Governor to interfere, and a mass meeting for protest.

There was plenty of applause during the address and the audience was wrought up to a high pitch of excitement. Chairman Quinn said that in his opinion there was two-thirds of the legal talent of the city with the priest and would array themselves on his side. It was now time, he said, for the public to be invited to enter their objection, and without doubt if there was held a mass meeting there would be entered a protest which would be felt.

W. F. Erving asked if such a move as was proposed, a mass meeting with petitions to the Governor, would have the assent of the bishop. He thought the course most proper was the holding of a mass meeting, the sending about of petitions for signature addressed to the Governor, and praying for relief by the setting aside of the order of the board.

In reply Bishop Guilan said that the bishop and the fathers had done all that they could do without detracting from their standing with the people. Father Wendelin had expressed his satisfaction with the proceeding of the mission. As for the meeting, it could do whatever was deemed to be within their rights in the premises.

Erving then moved that a committee of five be appointed for the purpose of circulating petitions to the Governor against the removal of Father Wendelin, and to prepare for a great mass meeting of citizens at which time and place there should be addresses on the subject and resolutions giving effect to the petitions passed. The motion was passed after there had been received an amendment which fixed the number of the committee at nine. Another resolution of thanks to the bishop for his information was passed. There was some discussion as to the naming of the committee, but the chairman said that he would have to have time for the selection of the membership, owing to the fact that there would be a number of members on it, perhaps a majority, who are not Catholics, and who would give their time to work for the ends to be attained.

The question of legal advice was brought up and the committee was asked to look into this phase of the matter. One man offered \$100 for the purpose of retaining legal advice, if it was thought advisable.

The bishop of Panopolis said after the meeting that he had refused the request of the Board of Health to withdraw Father Wendelin from his appointment at Molokai, and that the board had therefore issued the order. He had thought there would not be such hasty action, and in fact did not consider the matter entirely closed. As to the action of the board, if it had the right to take the action which it had taken, he looked upon it as an abuse of power rather than the use of it. He said he had received a letter from the board, but there was no specific charge

(Continued on page 2.)

to expect the agriculturalists to be unwilling to the fact that the perishable fruits and flowers would be gone in two or three days. This could be at the disposal of the merchants' drill shed which could be read and quickly cleared for any grand en-

Le Branson telegraph editor of the Dawson Morning Sun went to Seattle the middle of March and was married to a Miss Austin of Los Angeles and Mr Branson goes to Dawson the ice-Exchange Mr Branson last year, was a member of the Honolulu press

BERNE Switzerland May 1-
Gursigal-Bad a famous health
near Thun was destroyed by fire
night. The church alone escaped
season had not begun and the
buildings were unoccupied

Dole is not a politician or he could turn the Territory under his thumb. He has the sole appointment of every official in the Islands from the carrier on the streets to the Treasurer of the Territory. There are no cities or counties and if Dole were a shrewd manipulator politically he could appoint enough to office that would give absolute control of the election machinery of the Territory. There isn't another man in the Islands that could outvote the President who has such a great appointing power. Of course the President sustained Government under such circumstances could not well have done otherwise. As President of the Republic and as Governor of the Hawaiian Islands, the overthrow of Queen Liliuokalani and the annexation of the Territory after its separation to the United States, Dole has dedicated himself most creditably by meeting many crises ruling with a hand but always seeking to deal justly. Under his administration the uplifting commission and the political school have been valuable accretions to civil Ram's domain.

PITTSBURGH, Pa., May 1.—May 1 was ushered in with strikes in most of the building trades for reduction of hours, more wages and adjustment of trade conditions. It is estimated that between 12,000 and 15,000 men are out of the trades involved being structural iron workers, carpenters, bricklayers, wire workers, portable and hoisting engineers and wood and metal lathers.

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IN SOCIETY



SOOCIETY is looking forward to the bal poudre, which is to be given on the evening of Friday, May 23, in Progress Hall, and the costumers are already at work on the handsome gowns which will assist to make the affair one of the most brilliant social functions attempted during the season. Mrs. Mary Gunn, who has charge, expresses a desire that as many as possible of the ladies should come with powdered hair. This, however, will not be considered compulsory. The bal poudre originated in the seventeenth century, and the stately days of George and Martha Washington are always associated with it. Therefore, a feature will be the minuet, danced in four sets of eight ladies in each, all costumed in the Empire style. Princess Kawanamaka is said to be a leader in one of the sets. Two or three figures of the cotillon will also be danced, in which Mrs. Gunn and Miss Gertrude Bates will lead. The invitations were sent out this week and the patronesses over thereon are Mrs. J. E. Castle, Mrs. F. M. Swamy, Mrs. F. M. Hatch, Mrs. George Herbert, Mrs. J. S. McGrew, Mrs. F. A. Schaefer, Mrs. S. M. Damon and Mrs. M. C. Whiffeld.

Mrs. W. O. Smith gave a luncheon yesterday to twelve ladies. The guest of honor was Mrs. Mary Ellen Nott, who soon returns to California.

Mrs. Mary Ellen Nott will be the guest of Mrs. W. C. Weedon next week.

The Literary Circle of the Kiloana Art League will give its last at home for the spring on Friday afternoon, May 16, at 3 o'clock, in the League rooms. The ladies who will pour tea are Mrs. B. F. Dillingham, Mrs. W. W. Hall, Mrs. C. W. Dickey, Mrs. W. M. Graham. Those who have listened with the children to Uncle Remus's stories or sympathized with the mountain life of Charles Egbert Craddock's portraying, will enjoy spending with Miss Claire H. Ueckle "An Hour With America's Best Dialect Writers." All who have given themselves the pleasure of attending this year's at home have special thanks and congratulations for Mrs. Selma Kinney, the chairman of the Literary Circle, by whose planning these occasions have been so enjoyable and valuable. Attention is called to the change of hour: 3 o'clock is appointed.

Mrs. Anthony Ahlo was the hostess on Wednesday evening at a ping pong party, the game being indulged in by a large number of devotees of the new amusement.

Mr. and Mrs. Harry Macfarlane and the Misses Macfarlane, with the exception of Miss Gardie Macfarlane, are at Ahulumanu for a short period.

Mrs. T. G. Thrum entertained on Wednesday afternoon in honor of Miss Alice McCully.

Miss Mae Landegren departed for the mainland and New York as a passenger in the Ventura. Her many friends burdened her with leis and gave her a good send-off. Miss Landegren may return to Honolulu another day, but not as Miss Landegren.

Wade Armstrong returned yesterday from the Coast in the Moana.

The departure of Bishop Nichols and Miss Nichols was regretted by the host of friends they had made during their stay in Honolulu.

The Examiner says Miss Georgie Spieker of San Francisco will be a guest in Honolulu for a couple of months.

Princess Kalaniana'ole receives on Tuesday at Pualalei.

A pot supper was given last evening at Pualalei by Prince Kawanamaka.

Bishop Willis and Mrs. Willis departed on the Sonoma for the South Seas. The Bishop will visit the Tongas.

The McCully Smith wedding has been set for May 17.

WILCOX SAYS HAWAII HAS BENEFITED BY ANNEXATION

AN Eastern paper contains the following about Hawaii, which purports to have been written by Delegate Wilcox.

Hawaii has now been a part of the United States for more than two years, so that the experience of the islands gives an opportunity to judge of the wisdom of acquiring territory reasonably near this country and having some natural and trade relations with it. It is now generally recognized in Hawaii that it has been of great advantage for the islands to become annexed to the United States. At one time there was an element strongly opposed to annexation, but this element has disappeared now that the benefits of being a part of the American system have become so apparent. This is true among the native Hawaiians as well as among those of foreign birth who have settled there. Many of the opposition was due to a sentiment of loyalty to the Queen and to the old system which had been in force so long, but now that this has passed and a better system has taken its place every one is satisfied to accept the new conditions and to secure the full benefits coming from them.

Since the American system went into operation the Hawaiians have realized how much more liberal their rights are in the matter of elections. Under the old system there were many restrictions and conditions, and this was particularly true in the election of Senators, who were called Nobles. But under the American system the rights of election are much more liberal and the Hawaiians feel that they have a part in carrying on the affairs of the islands.

American laws are found to apply with good results in Hawaii, and the present need is to have more of these beneficial laws. At present the American laws apply to Hawaii when they are not locally applicable, but this restriction prevents the extension of many beneficial laws to the islands.

HAWAII'S ADVANTAGES.

In one respect Hawaii enjoys a great advantage, as we have the benefits of the United States Constitution extended to the islands. In this we are much better off than Porto Rico and the Philippines, in which, according to Fed-

eral decision, the Constitution has not followed the flag. But in the case of Hawaii, the organic law by which we were made a territory of the United States recited "that the Constitution shall have the same force and effect within the said territory as elsewhere in the United States." This gives us not only the Constitution, but also all of those important rights and guarantees under the Constitution. We have entire freedom of trade between the islands and the States, and this is not dependent upon any revenue laws, but arises from the fact that the Constitution extends over the islands. We also have the right of American citizenship, which is not possessed by Porto Ricans or the people of the Philippines, even though these latter islands belong to the United States. Hawaii also has a Delegate in Congress, which is of much advantage to our people in allowing their needs to be brought to the attention of Congress. In the case of Porto Rico there is a Commissioner to represent the people, but as the Porto Rican act does not give the Commissioner a seat in the House of Representatives, and the right of debate there is not the same advantage which Hawaii possesses in being allowed a Delegate in Congress. Our people feel therefore, that they have been treated in the spirit of justice by the American Government, and this brings about a feeling of contentment among the people at the new condition of affairs.

BAD LAND LAWS

One of our chief troubles is in not having a good system of land laws which will encourage small farmers like the American homestead law. With the land question is something like that in the Philippines, except that the Filipinos hold the lands in the Philippines and the sugar corporations hold the lands in Hawaii. This condition is recognized not only by the Hawaiians but also by the Americans. Out of the total of 4,000,000 acres of lands in the islands 2,000,000 acres are in the hands of about seventy persons, who hold in fee simple. Even the other 2,000,000 is under the control of these seventy men on long leases. Some of the leases are about to expire, and under the organic act the Governor has the right to release them. I think it would be better,

however, to have a Government commission go to the islands and investigate the entire land question, and meantime stop any leases or sales until the Government expert can report on the whole subject. What we need is to have the matter studied by a land expert, and I have introduced a bill for this purpose, which I think will have the approval of the Land Office.

When we get a system modeled after the American homestead law I believe there will be room for 2000 or 3000 American farmers to go out and settle in Hawaii, helping the country and helping themselves. Now we have no farmers, and we need them very much. From the lack of farmers all farm products are very high—eggs 50 cents a dozen, butter 50 cents a pound, rice 5 to 6 cents a pound, sugar grown in Hawaii and then refined, 5 to 7 cents a pound. This shows the opportunity for farmers. We have a good climate and the land is very fertile. Twenty acres for a homestead, up to eighty acres for the pasture lands would be plenty. With that a farmer could keep a family better than he could do so in one of the American states. The profits made on the sugar lands held by the sugar corporations are from \$250 to \$500 per acre. This is for the best irrigated land, some of it producing ten tons of sugar to the acre. These plantations pay \$18 per month for labor, mainly Asiatics—Japanese and Chinese. Even paying \$30 per month for labor there would be a big profit.

GREAT OPPORTUNITIES.

Our young American farmers would do well in Hawaii, and they would find the climate much milder and more agreeable than in this country. The main difficulty is that so long as Asiatic labor comes in the large plantations will employ this class of labor in preference to white labor, because it wants less wages and fewer accommodations. The white laborer wants to live in a decent house, and he likes a beefsteak and a cup of coffee. But with the Chinese laborer the overseer does not have to pay attention to his wants, he lives on rice, and four or five of these Chinese laborers can be packed in a room, in bunks one above another. So the sugar planters like the Asiatics. They know that white labor must be treated humanely, while an Asiatic is willing to be kicked and booted around by an overseer without complaint.

One of the Western members of Congress, who visited the island of Hawaii at Hilo, had a practical experience in the difficulties of securing work for white labor as against the Asiatic competition. This Congressman wished to help three sons of one of his former constituents. They wished to make a start, and were willing to work for the wages paid the Chinese, for \$15 per month. But the plantations would not take them at that low rate. The Congressman stated to the plantation owners that each one of these young men was worth three Asiatics. But the planters said it was not a question of ability to work, but that one white man would introduce a bad precedent for the employment of white labor. So the planters agreed not to employ white labor, except as overseers, managers, bookkeepers, blacksmiths, and other skilled branches. For the common labor they do not want labor that expects good treatment and good accommodations.

TWO GREAT EXTREMES.

The effect of these conditions is to give two extreme classes, one very high and the other very low. The Asiatic coolie labor makes up one extreme, and the sugar corporations, with all the lands concentrated in their hands make up the other extreme. What Hawaii needs is something between these extremes, a substantial middle class, made up of farmers and others interested in the development of the country. The difficulty over Asiatic labor will be reduced in time, for the organic law prohibits the coming of more Chinese, and the immigration authorities, under the law, are reducing the immigration of Japanese.

The time when Hawaii will apply for statehood in the American Union is still far ahead. Much remains to be done under the territorial system. County organizations and county laws must be established, with local organizations after the American system, with Mayors, Aldermen etc. The Hawaiians seem to enjoy political life, and they like the idea of electing their own representatives to carry on their local affairs. The population has increased steadily since annexation. Under the last census it was 154,000, now it is probably 160,000, but about 90,000 of these are Asiatics, who have no vote. Honolulu is growing rapidly since annexation. When the islands were annexed Honolulu had 25,000 people. Now the city has 40,000, mostly Americans by birth.

There is an improvement in the conditions between the native-born Hawaiians and the foreign-born population, and racial feeling will, in time, disappear. There is a natural feeling on both sides in favor of their own people, but each side is tolerant and fair.

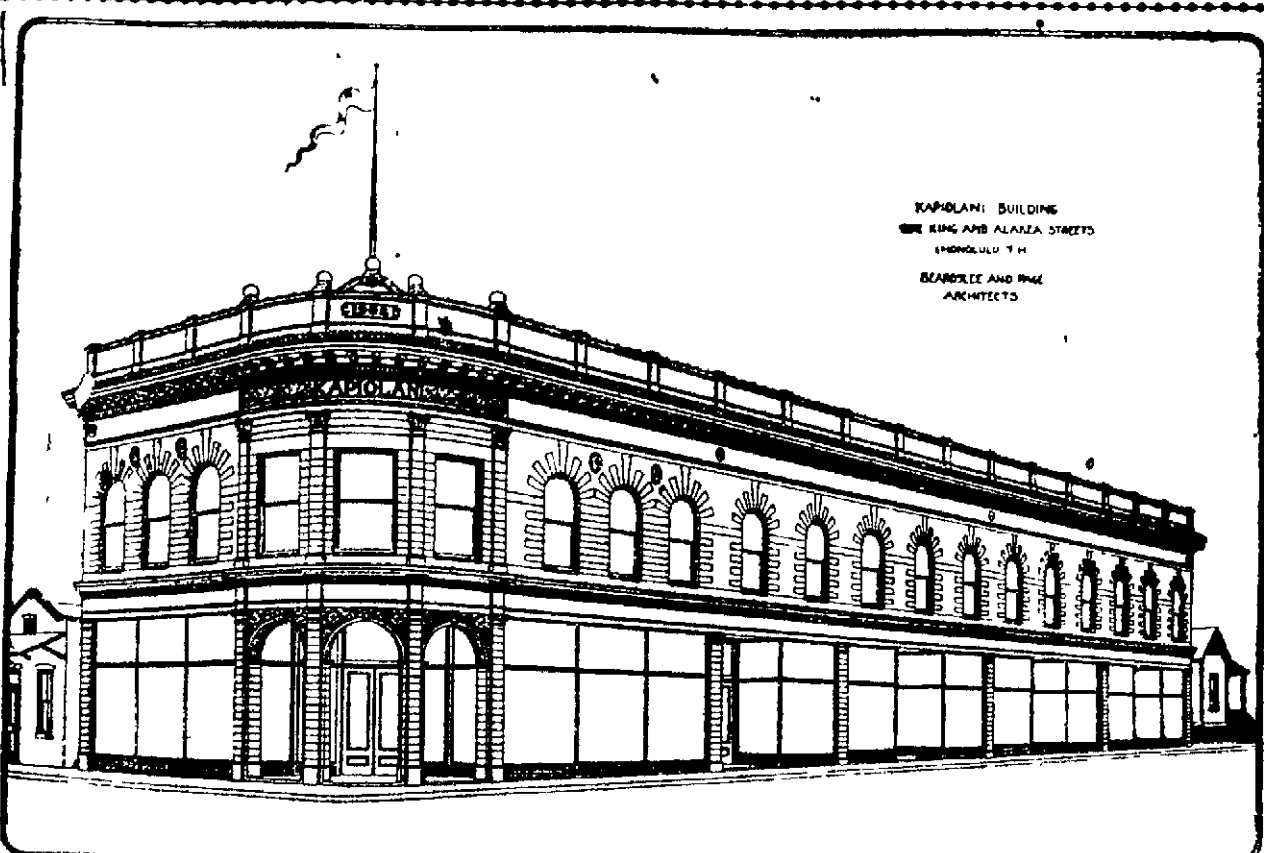
ANNEXATION PROFITABLE.

The experience of Hawaii seems to show that Porto Rico and Cuba should be annexed to the United States. They are in much the same position as Hawaii, being near this country, and both being interested in sugar production. Some of our Hawaiian sugar planters have opposed Cuban annexation on the ground that it would bring in great quantities of Cuban sugar free of duty to the ruin of Hawaiian sugar. But I think this fear is not well founded, as Hawaii will always be able to market her sugar in the West. As a general proposition the same reasons that made it desirable to annex Hawaii make it desirable to annex Cuba and Porto Rico.

But the experience in annexing Hawaii has little or no bearing on the Philippines, as the islands are so far from the American mainland, with different people and different customs and nothing in common with Americans. The Christian religion prevails through Hawaii among the natives and foreign born Cuba and Porto Rico also have the Christian religion. But in the Philippines a large part of the islands has not been Christianized. These are conditions which show that the experience in Hawaii will not apply to the Philippines, but will apply to the annexation of Cuba and Porto Rico.

ROBERT W. WILCOX.

Mr. C. B. Cooper has returned from a visit to Maui.



KAPIOLANI BUILDING
ONE KING AND ALAKA STREETS
HONOLULU, T. H.
BEANBOLT AND BONE
ARCHITECTS

The Kapiolani Estate building which will take the corner of Alakea and King streets, is now almost ready for the bids and it is thought will be offered for tender next week. The plans have been changed considerably. The building will be of two instead of three stories, though the latter may be added at any time. There has been eliminated from the structure the plan for the ornamentation of the exterior by the addition of the coat of arms of the estate, the corner at the second story being given over to a window instead. The building will be ornamented by stucco work in the cornice and will be a very beautiful structure when completed.

MORTUARY REPORT OF HEALTH BOARD

The mortuary report of the Board of Health for the month of April is as follows. Deaths 92, as follows: Hawaiian 43, Chinese 9, Portuguese 9, Japanese 13, British 2, American 5, other nationalities 6. Population of Honolulu, census of 1900, 39,306, monthly death rate per 1000 of population, 2.34, marriages reported 24, births reported 56. The causes of death were:

Diphtheria 2, malarial fever 1, typhoid fever 1, cholera infantum 1, cholera morbus 1, diarrhoea 1, dysentery 4, venereal 1, septemia 1, malnutrition 1, sarcoma of throat 1, diabetes 1, pulmonary 17, alectasis 1, premature births 1, congestion of brain 6, convulsions 1, tetanus 1, beriberi 2, heart disease 4, pericarditis 1, asthma 1, bronchitis 2, emphysema 1, tonsillitis 1, pneumonia 2, pulmonary congestion, 2, gastritis 2, gastro-enteritis 1, inflammation of intestines 5, hemorrhage of intestines, enterocolitis 1, inflammation of liver 1, peritonitis 2, acute nephritis 1, Bright's disease 1, umbilical hemorrhage 1, gangrene 1, asphyxiation 1, burns 2, drowning 1, knife wound 1, fracture of skull by machinery 1, suicide, gunshot wound 1.

The bacteriologist of the Health Department reports having examined four leper suspects. The meat and fish inspectors report having examined 1513 animals and condemning two carcasses, livers fluke 152, fish examined 185,666, fish condemned 239.

Representative Sibley of Pennsylvania created a sensation during the agricultural bill debate by denouncing General Jacob H. Smith as a "disgrace to the uniform he wore."

CATHOLICS TO PROTEST

(Continued from Page 1)

of misconduct. Father Wendelin, he said, had been at the settlement for fifteen years, and during that time he had never published any criticism of the board. What his private opinions and remarks were could not be set out against him, for to do that there would have to be a closing of the lips and eyes of a man, which was not possible. As to the work of the settlement, it could not be abandoned, if the priest was withdrawn there would have to be aid sent to the people, for after all the priest was not there to aid the board in its duty, but to minister to the people, and the unfortunates could not be abandoned.

President Sloggett, of the Board of Health, was seen and said that he could not break his rule of refusing to discuss matters which would come up properly in the minutes of the board. There had been written to Bishop Gul-

stan a letter which explained at length the reasons of the board for its action. These reasons the board considered sufficient and good, and as matters stand there can be no step backward. The board considers that it must be in

actual control of the settlement. It is learned, however, that there is nothing in the letter of the board which can in any way be construed as making the slightest charge against the private character of the priest.

Be a Man Among Men!

Are You the Man You Ought to Be? Are You as Strong as You Look? Or Have You Weak Nerves, Failing or Lost Vital Power, Waste of Strength, Vari coele, Poor Memory, Dull and Stupid Feelings, Lost Ambition, Weak Back and a General Breaking Down of Your Manly Powers?



Have you doctored without benefit? Is your stomach ruined with drugs and your money wasted? Are you tired of trying useless remedies? Then come to me. I have a positive and certain cure for you in

Dr. McLaughlin's Electric Belt

You put it on when you go to bed and sleep peacefully under the influence of its warming vitalizing power. You awake full of ambition, with a healthy desire to tackle your day's work. Each day you gain new life from it, and soon begin to feel yourself a man among men. Each symptom of your trouble gradually disappears, strength takes the place of weakness, and your life is made happy by the restoration of your old health and vigor.

A Wonderful Cure

Tomales, Marin Co., Cal., Jan. 26, 1902.
DR. M. G. McLAUGHLIN—Dear Sir: One could not imagine the siege of suffering I passed through from stomach trouble and rheumatism. I was subjected to severe drug treatment, stomach pump treatment and diet treatment without the least relief. I grew disgusted with them all and as a last resort tried your belt, two years ago. In three days I could sling away my cane, and in three months was a new man, entirely cured and felt better than I had for years. Several of my friends have since purchased your belts. I would not part with mine for \$1,000. I could not get another. Yours truly
JOHN B. GUAY.

You Should Try It: Send for my book about it free if you send this ad.

DR. M. G. McLAUGHLIN, 908 Market Street, San Francisco, Cal.

Thirst for Knowledge

is as natural as a thirst for

PRIMO LAGER

Delivered anywhere in Honolulu.

Order a trial case.

'Phone Main 341.



Read what Mr. Paul Isenberg says:

Honolulu, T. H., April 22nd, 1902.

Pacific Hardware Co., Ltd., Honolulu, T. H.

DEAR SIR:—The presence of the horn fly pest in my herd of milch cows has been a cause of serious apprehension to me, both on account of the consequent deterioration in the condition of the cattle and the reduced production of milk. I am pleased to inform you that the application of the So Bos-So Kilfly, which I purchased from you a few days since, has already resulted in a decided improvement in the condition of the cattle, as well as an increase of 20 per cent in the quantity of the milk produced, before the application of the Kilfly. Very truly yours,
PAUL R. ISENBERG.

So-Bos-So Kilfly Is a Liquid Mixture

designed to protect cows and horses from torture of flies. The preparation is positively harmless. It is used with splendid results as a disinfectant and germicide. The Electric Sprayer discharges the So-Bos-So (Kilfly) in a fine, broad spray. From 30 to 50 cows can be sprayed in a few moments. The Electric sprayer is detachable, and thus may be thoroughly cleaned. If your animals are troubled with lice, use So-Bos-So (Kilfly). It knocks them out. Spray your poultry house with So-Bos-So (Kilfly). It kills lice or any vermin that may infect the fowls. Sufferers from the Horn Fly should give Kilfly a trial. We are sole agents for the Territory of Hawaii.

Pacific Hardware Co., Ltd.

HAWAIIAN GAZETTE.

Entered at the Postoffice of Honolulu,
H. T. Second-class Matter.SEMI-WEEKLY
ISSUED TUESDAYS AND FRIDAYS

WALTER G. SMITH, EDITOR.

SUBSCRIPTION RATES:
Per Month \$.50
Per Month, Foreign75
Per Year 5.00
Per Year, Foreign 6.00

Payable Invariably In Advance.

A. W. PEARSON,

Manager

TUESDAY MAY 13

If the Cubans would go to work they would have no need to worry about their financial future.

The Prohibition party has a chance now to make itself heard about the Philippine water cure.

It is more important to have the St. Louis fair in good shape when it opens than it is to have it open on time.

The volcano has been a long time getting ready, but when the play begins it will probably live up to its prospectus.

Any man who has spent fifteen years in intimate contact with the lepers of Molokai should not be driven out to mingle with an uninfected people.

There is so much excitement at Copenhagen over the West Indian transfer as to suggest the fear that Uncle Sam means to offer another \$5,000,000 for Denmark.

With cholera in Manila and the plague once more in Kobe, the quarantine watchers on this line of communication with both these ports are not sleeping overtime.

Cuban reciprocity is said to be dead for this session. The Senate as a deliberative body, was unable to see the wisdom of hurting American industries for the sake of aiding Cuban ones.

Jerry Simpson has joined the group of Western plutocrats. He is selling cattle to the beef trust and takes as much pleasure in life as those veteran calamity howlers, Jones, Hogg and Towne.

In the East the hot weather is not far off. Out here in the tropics, where there is no sunstroke belt and where the people dress for coolness, sympathy with the smitten East is one of our annual rites.

If it were Havana, or Santiago or Ponce or Manila or Iloilo, instead of an American seaport which is turning over \$100,000 per month into the national treasury, how quickly Uncle Sam would take hold of it and clean it up.

Yellow bananas sell for twenty-five cents a dozen in New York City while red bananas bring 15 per dozen. Why people should forever raise the inferior banana here when the red banana may be grown as easily and sold both here and in San Francisco at a fancy price is one of the current mysteries of agriculture.

If beef goes much higher on the coast it will be practicable to import dutiable meats from Australia. San Francisco would welcome relief of that kind, especially as Australian steaks and chops are among the best in the world. Honolulu looks back regretfully to the time when it was wont to get its fill of the beef and mutton of the colonies.

Governor Dole's reference to the native Hawaiian desire to restore the monarchy is news indeed. Where did the Governor discover it?—Bulletin.

If the Governor is correctly reported he doubtless referred to the stump in the first Territorial campaign by nearly every Home Rule speaker. These people not only promised to restore the Queen but to free the lepers.

Wireless telegrams are now a commercial commodity, and the vessels of the Cunard and other lines quote rates for such messages in their "information lists for passengers" on the passenger lists. The rate quoted are: "From ship to Marconi station, 12 cents per word. From ship to passing steamer and thence to station, 12 cents per word." To this must be added the usual telegraphic rates of destination.

DELEGATE WILCOX.

In his evidence before the Committee on Pacific Islands and Porto Rico Delegate Wilcox was generally at a loss for an intelligent reply to questions and was only too glad to turn them over to the ready tact and information of Mr. Cayless. One in reading Mr. Wilcox's answers and evasions easily sees what Congressman Knox meant when he said that Hawaii ought to send a Delegate to Congress who has some knowledge of this Territory. Other members of the House and Senate have said similar things to visitors from Hawaii, some of them putting their objections to Wilcox in a way to suggest that he will be lucky to retire from public life without a scandal to season his reputation for incompetence.

It is a hard thing to say of a public man that he knows nothing of the Territory in which he was born and reared; yet Mr. Knox, speaking of knowledge in its broad and useful sense, did not unduly discredit the Home Rule leader. What Wilcox knows is of small use to Congress in its discussion of our problems. He may be an authority on the so-called customs of the islands, on the native tongue, on the secrets of the past regime and on the pedigree of princesses, but when he is asked about our silver coinage, our sugar values and necessities, our commerce, our harbor needs or our land system he wanders helplessly through the parts of speech. His bent of mind is toward the relatively trivial. Because of this he will come out of Congress without having passed a single bill of his own initiation.

Mr. Cayless would have done an hundred times better. So would Mr. Kimmel, Mr. Beckley, Carlos Long or Prince Cupid. There is a rather wide choice in the Home Rule ranks of men who could legislate in a serviceable way; and the poorest of them would make a better showing under the same circumstances than Wilcox has done.

SOUTHERN SUFFRAGE VIEWS.

The South has taken up the question of a restricted franchise with not only unanimity but with fairness and good will towards the illiterate blacks and in a way which has drawn no special criticism from the North. Indeed, we find in many representative Northern newspapers an expression of relief that so easy a path is to be found out of a serious difficulty—for in any country nothing can be more serious, save family or pestilence, than the rule of the unqualified majority.

A fair indication of how the Virginia suffrage experiment strikes conservative people may be found in that most judicious and non-partisan journal, the Review of Reviews: "The Virginia Constitutional Convention, which began its work nearly a year ago, completed its early work in April, and adjourned its session again on May 22, for the purpose either of proclaiming the new organic law or else of submitting it to popular vote. Its chief problem was solved on April 4 by its adoption of an article dealing with the suffrage question. The Virginia plan adopts a principle that several other States have put into force, known as the 'understanding clause,' as a permanent method for giving voters, while excluding illiterate negroes, is not denied by anyone. Yet it does not follow, as many people assert, that there is anything radically unfair in this plan. Generally speaking, the illiterate white man possesses greater political capacity than the illiterate negro. The important part of a measure of this kind is not that it is temporary but the permanent plan it introduces. The permanent plan in Virginia is to be a yearly poll tax of \$1.50, besides which each applicant for registration must be able to write his application clearly and without assistance in the presence of the registrar. Quite regardless of any favoritism that may be shown to the white voters, the Southern franchise laws render an excellent service to the negro by requiring that he acquire the same educational or property qualification, or both. The ballot is of no value whatever to the negro who is not fit to exercise it. The existence of reasonable qualifications as to literacy and property furnish excellent incentives to progress, valuable on all accounts and harmful on none. The best and wisest friends of the negro race are not worrying themselves as to all about new Southern franchise laws. No Southern State has made provisions which exclude the negro of intelligence and property. The Virginia constitution provides for an improved educational system and advanced methods of control over railroads and other corporations."

It cannot fail to be noticed in Hawaii that universal suffrage is no longer a basic American principle and that we are nearing the time when public rule will be in the hands of the qualified few, where alone such a responsibility could be held. Congress held the opinion when it framed the organic law for this Territory that Hawaiians were qualified for the exercise of the full suffrage, but its faith was so much shaken by the record of the Home Rule Legislature and by the failure of Wilcox, that one of its eminent members did not hesitate to say, as the Haywood dinner, that the time might develop on Congress to amend the Hawaiian voting privileges. To avert such a misfortune the Hawaiians have only to join the American parties and throw their influence towards honest rule. As we pointed out to them two years ago, it is their flocking by themselves to race lines and their trying to pay off the old scores of the monarchy, which deprives them of influence at Washington and plays the mischief with their chance to get on here. To save themselves they should stop their Home Rule nonsense and become Republicans and Democrats as other Americans are. Then their suffrage, protected by both parties in Congress, would be as safe as anything can be in a mutable world.

THE BEEF TRUST.

There seems to be no extenuation for the beef trust. Some of the trusts probably bestow the greatest good upon the greatest number, in that they have materially reduced the price of the commodity in which they deal—for example the Standard Oil Company and the combined steel manufacturers. But the beef trust has materially raised the price of beef for the sake of increasing its own pockets, and this in face of the fact that the supply of American cattle proportionate to the number of inhabitants, has not notably diminished. As the market price stands it is utterly out of proportion with the price of beef on the hoof. In New York, in one week, the retail cost of the roast and steak advanced thirteen per cent though the price of beef in Chicago remained the same. American beef sells for no more in London than in New York. If this beef is sold in London at profit the same prices for the same beef in America mean that the market is controlled by an unlawful and greedy combine which is susceptible of legal interference and restraint.

There are fears that, even if the courts enjoin the trust in the action directed by the Attorney General, the day of cheap meat cannot return for good. It is urged that the Western herds, roaming the ranges, must soon disappear with the ranges themselves. But this change in conditions does not strike us as fatal to the free use of beef. When the ranges are divided into small farms they ought to produce more cattle than they do now, on the principle that an acre of cultivated land will grow more nourishing food for stock than three acres of wild land. That the devotion of the reclaimed territory to cattle must come, is borne out by the plea that the market, in the meantime, will be high. Nor is the West the only section in which such an increase in the stock-raising industry may be predicated. Eastern farmers will be heard from. They are now producing crops which barely give them a living; but their timothy and clover farms are capable of raising the best of beef in the world at the rate of a steer to the acre. If the market price of beef keeps up they will go into the business and, by automatic process, the price of beef must fall again. No trust can hope to corner the American farmers as a class and keep them cornered—neither they nor their cattle nor their wheat. The proposition is too big a one for any trust to handle.

Meanwhile the attempt of the trust to pinch the consumers will be met with determined resistance in the courts.

Fol Smith Russell, the well known actor, died in Washington April 23 of perpetual Nephthys. His estate is estimated at more than two millions.

COURT NOTES.

Judge Estee will render his decision this morning upon the motion for a new trial in the case of the United States vs. Honolulu Plantation Co. The reply brief of the defendant was filed Saturday, there having been some misunderstanding as to the length of time allowed the attorneys for such action. Judge Sullivan's argument is consequently brief, but to the point.

Judge Sullivan argues: "In the first place it is seldom that a court feels justified in setting aside the verdict of a jury where the verdict has been rendered by fair and disinterested citizens, is fairly within the range of the testimony produced upon the trial and is substantially equal in amount to a former verdict rendered by an intelligent and disinterested jury."

Various incidents of the second trial are given as reasons for not granting the motion made by the Government. First there was the failure of the United States to call Allan Herbert as a witness in the second trial, though he was a fair-minded witness at the first hearing; then there is the valuation of \$100,000, given by Archer, plaintiff's witness, which is near the amount found by the jury. Another incident of the second trial was the calling of the McCandless brothers, "who admitted that they were hostile to the manager of the defendant."

"But the most forcible consideration that we would urge upon the court," continues the attorney, "is that all the decisions, including those cited by counsel for the Government, and which will be referred to more in detail hereafter, hold that where two verdicts have been rendered upon substantially similar evidence, in amounts that are approximately the same, the court will not disturb the verdict, but will leave the matter for the Appellate Court to determine whether there has been any error in the application of the law to the case. So much for the difference in the situation in which the case now stands and in which it stood at the close of the last trial."

"Counsel's first argument in the brief is to the effect that this land was not cultivated some few years ago and not used for plantation purposes. The same argument might be made as to the water front in San Francisco, between Montgomery street and the ferries, and because a few years ago that land was washed by the waves and not used for commercial purposes, it might be argued that the Chronicle building was of no value, or that the Mill building was of no more value than the surf-washed rocks beyond the Cliff House. That because the Indians not many years ago encamped upon the site of the city of Chicago, that the whole city ought to be condemned and valued upon the basis of its value as an Indian camping place."

"If the argument is good as to a piece of land adapted to some other use which had not been brought into use some years ago, it is equally good as to any city in the United States, because it only needs a little more time to carry them all back to where the property was of little or no value."

Counsel denies that the land in question has been placed upon a pedestal and says: "It is argued that the land was not beautiful, that the coast line is sinuous, and portions thereof marshy. All we have to say in answer to this argument is that we are not, as was counsel in the Bishop estate case, attempting to lay before this court nor did we attempt to lay before the jury, any suburban site, although we do think that the mountains are picturesque, the breeze from the harbor cooling, and that the camp site is ideally situated for a suburban village, a camp for a plantation, a site for offices and residences of a naval commandant and subordinates, or any other similar use to which it might be desired to put the land."

After quoting numerous authorities against granting a new trial, counsel concludes: "In this case the evidence took a wide range, the valuations were testified to from various points of view and upon the different hypothetical questions asked, and theories entertained by the Government and the defendant, and the duty of weighing all this testimony and arriving at the right of the matter was left to the jury under instructions that were certainly not calculated to mislead them to the prejudice of the Government."

"The witnesses called for the defendant were men of high standing in the community whose verbal promises are taken everywhere as equal to their bond; they were men who were certainly best qualified of any citizens of this community to express an opinion upon the issues on trial in this case. The whole matter was submitted to the jury upon a charge carefully prepared by the court, and we do not believe that there was any ruling made or any portion of the charge given, that was in any way calculated to prejudice the rights of the Government, but, on the contrary, we believe that the Government interests were fully and carefully guarded both by the rulings made during the reception of the evidence and the instructions given to the jury at the close of the case."

"We submit that the verdict ought not to be set aside upon the motion of the plaintiff and petitioner."

LOCAL BRIEVITIES.

(From Saturday's daily.)

The S. B. Alaskan is expected to sail from Hilo for New York tomorrow with 12,000 tons of sugar.

Preparations are being made for the Holy Ghost festival at the Catholic mission, which commences tonight and continues tomorrow.

The taking of fish, shell fish or any product of the sea or salt water between Sheridan street and the Kalihii Detention Camp is strictly prohibited.

The Court of Fire Claims will render no decision in regard to the claims of insurance companies until the final adjudications are made. The commissioners are hard at work entering up the findings and will be ready to report to the Governor very soon.

A complimentary concert by the Hawaiian government band was given last evening at the Hawaiian hotel in honor of Frederick Ward, the tragedian, and his party. The hotel band and gardens were brilliantly illuminated and there was a large audience present.

A. E. Murphy, who has charge of street numbering in Honolulu, made a request that all residents

to him for their correct house number rather than wait for the arrival of the men who are doing the work. This would greatly facilitate the labors of the department.

Director Jared Smith has been notified from Washington that C. W. Dorsey, the soil expert, will arrive in Honolulu on the transport Logan en route to Manila. Professor Dorsey will not stop off here at this time, but upon his return from the Philippines, will remain in Hawaii for two months. He will make a complete soil map of all the islands of the group at that time.

The British ship Ellen A. Read, Captain McQuarrie, sailed for Victoria in ballast yesterday morning. The bark Haydn Brown, Captain Asplund, sailed for the Sound in ballast yesterday morning. The bark Nuanuu, Captain Joseelyn, sailed for Kahului yesterday. The schooner Transit, Captain Egan, sailed for the Sound in ballast yesterday. The German ship Paul Isenberg, Captain Ott, sailed for the Sound in ballast yesterday.

The Wahiawa water ditch will be opened at noon today. It is four miles long, has a capacity of 2,700,000 gallons per hour and one-third of the water will go to irrigate 1340 acres of Wahiawa lands. The remainder will be carried to the lands of the Waiialua Agricultural Company, whose ditch is under construction.

There will be no special ceremony to-day. The people of Wahiawa will simply gather to see the mountain water come in.

The contract for the erection of oil tanks at Iwilei has been let to the Honolulu Iron Works and the work is expected to be completed by September. G. H. Baker has been appointed agent for the Pacific Oil and Transportation Company, and will superintend the work. The tanks will be of 25,000 and 35,000 barrels capacity respectively, and the cost of erection will be about \$15,000. Oil will be supplied not only to plantations but also to the Oceanic steamers when they are equipped with machinery for the use of oil as fuel.

(From Monday's daily.)

F. J. Cross has been granted a license to practice law in the district courts of the Territory.

The S. S. Oregonian of the American-Hawaiian S. S. Co. is booked to leave New York for this port on or about July 8th.

S. Kuby has purchased the Arlington Annex lease and furniture, paying \$310 at J. F. Morgan's auction sale. The lease has still five years to run.

At the meeting of the Catholic Benevolent Union this evening, the Board of Health's action in the Father Wendell matter will be the chief topic of discussion.

W. O. Smith, as administrator of the estate of Eva J. Spencer, has asked for an order of final distribution. The estate consists of about \$5000 on deposit in the bank here.

The Buckeye Club will meet this evening at the residence of Dr. C. L. Garvin on Emma street. An interesting program commemorative of Grant's birthday anniversary will be given.

Rose Endermark has sued Elmel Endermark for divorce, charging cruelty. The parties were married in April of last year. The defendant is also charged with desertion and drunkenness.

The Saturday evening meeting of the Murphy Club was as usual successful. A musical and literary program was given which was much enjoyed, and the entertainment closed with selections by the Quintet Club.

R. W. Irwin, former minister from Hawaii to Japan, was a through passenger to San Francisco on the steamer Optic. While in the city he met Commissioner Wray Taylor and also renewed his acquaintanceship with other Honolulu people.

The San Bernardino Times-Index says that Thomas Fitch of Honolulu has had incorporated the Aloha Gold Mining Company, with a capital of one million dollars. The principal place of business is to be Phoenix, Arizona, and the mines to be operated by the company are in the Dale district in California.

Preparations are being made for the spring exhibit of the Kilaheua Art League, which will take place the last part of the month. Theodore Wores, Howard Hitchcock, Miss Grace Robertson, and others will have pictures on exhibition. Sketches will be received at the league rooms next Saturday, and the first private view takes place on the following Monday evening. The exhibition will be opened to the public Tuesday, May 27.

Mrs. L. F. Drexler, a millionaire widow, whose husband was one of San Francisco's principal capitalists, arrived by the Sonoma last week, accompanied by Mrs. Russell and Mr. Howe, her nephew. Mrs. Drexler and her party are settled at the Hawaiian Hotel Annex at Waikiki, where she will remain some weeks. She brought letters of introduction to Colonel Macfarlane from the Anglo-California Bank, of which institution her husband was a prominent client.

The Chamber of Commerce has subscribed \$600 per month for the use of the Board of Health in the employment of more inspectors.

James E. Bell, president of the Pacific Coast Lumber Manufacturing Association, is here on his way across the Pacific, where he goes in the interest of the association.

Dr. and Mrs. McGrew entertained with a luncheon party at their Alea home Sunday, Mrs. Herrin and the Misses Herrin of San Francisco, Commissioner General Barrett and others.

The Nihua, which arrived from Kauai on Saturday without any sugar, broke her windlass at Waimea and slipped her anchor and 25 fathoms of chain. She only succeeded in discharging a small portion of her freight.

The Kinoh brought news of the following sugar ready for shipment on Hawaii: Oloa, 53,171; Waialea, 7000; Hawaii Mill, 6500; Hilo Sugar Co., 13,000; Onomea, 7000; Pepeekeo, 8000; Honoum, 2000; Hakalau, 14,000; Laupahoehoe, 8000; Ooakala, 1000; Paauhau, 780; Honokaa, 600; Punahou, 8500; Honopu, 350.

The ship Arthur Sewall, Captain Gaffrey, which left for New York on Saturday, before sailing connected with the gear which she lost when here a year ago, and succeeded in getting it aboard. It consisted of an anchor and about sixty fathoms of chain, which were located and buoyed, after a lot of persevering work, by Herbert Young, the diver.

THE MOST COMMON AILMENT.

More people suffer from rheumatism than from any other ailment. This is wholly unnecessary too, for a cure may be effected at a very small cost. G. W. Westcott, of Meadowdale, N. Y., U. S. A., says: "I have been afflicted with rheumatism for some time and it has been very much suffering. I consulted Dr. Chamberlain's Pain Balm and it has cured me."

Chamberlain's Pain Balm is sold by all druggists and at Co. 144.

ain in Stomach

It has been said that a healthy person, doesn't know he has a stomach.

How unhealthy the dyspeptic must be!

He feels as if he were all stomach, and one thing that makes him feel so is that pain at the pit of the stomach—sometimes an "all-gone feeling"; sometimes a "burning sensation."

"I suffered from pains in my stomach and could not eat. An old gentleman told me to take Hood's Sarsaparilla, which I did, and after the use of four bottles I gained my appetite, and I was soon completely cured, so that now I feel like a new man. On no account would I be without Hood's Sarsaparilla in my house." Heavy CALLAR, 71 Commercial St., Portland, Me.

Hood's Sarsaparilla and Pills

Cure dyspepsia, invigorate and tone the whole digestive system.

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JUDGES WILL TAKE A REST

Gear Says But One Court May Sit.

Three criminal cases were disposed of by Judge Robinson yesterday. Manuel Enos Cabral was on trial all afternoon on a charge of assault upon a Portuguese girl. Cabral was found guilty by a jury with a recommendation to the court for clemency, and Judge Robinson imposed a fine of \$25 and costs.

Sam Alapai, who was convicted in the District Court of gambling and fined \$25 and costs, withdrew his appeal, and the same fine, with added costs, was imposed by Judge Robinson.

In the case of Yuke, charged with interfering with an officer, a suggestion of death was noted, and the case ordered stricken from the calendar. This is the second defendant in a criminal case to die since the last term of court.

JUDGES MAY REST.

As was predicted in yesterday's Advertiser, Judge Gear rendered a decision yesterday morning refusing to hear the case of Foo Kee Co. vs. Yoshida, and holding that but one Judge could hold court at the same time in the First Circuit. Judge Humphreys sat upon the bench with Gear when the decision was rendered and concurred in it. There will be no appeal from the refusal of the second Judge to hear the case, as the matters at issue are too trivial to justify the expense of an appeal to the Supreme Court.

The court, in passing upon the matter, stated that the authorities were unanimous to the effect that but one court could be held at a time in the absence of a specific statute, even though there are divisions of the court.

Judge Gear said: "According to the constitutions and laws of many states the Judges may sit separately at the same time, but nowhere have I found that it has been held that Judges could so sit unless there was further provision for such sessions than there is in our statutes. I don't think that any possible construction of the law—which is so plain in fact that it is not subject to construction—can give power to the Judges here to hold separate sessions of court at the same time. I think it was the idea of the Hawaiian Legislature when it passed the act providing for two Judges that there should be only one court in session. The other Judges may have been intended to hear chambers matters, or two Judges may have been thought necessary for emergencies such as the sickness of one of them."

"The statutes do not provide in the Territory of Hawaii that two Judges can sit at the same time. No injurious effects are likely to follow this decision, nor will it affect past actions in this court, as the record does not show that two Judges were sitting at the same time. But it would be dangerous to continue the practice in the future for the question might now be raised and the judgment upset. But the court must not be influenced any way as to what the results will be, for that would be a finding as to policy alone."

Attorney Biting interrupted to ask the court if he had considered the section which provided that "either court could sit."

"I gave the attorneys a chance to argue the question," replied Judge Gear, "but they didn't avail themselves of the privilege, and it is improper to come here now after the decision has been rendered."

Judge Gear then rendered judgment holding that but one court could be in session at a time, and that either of the three Judges could hold the court. He announced that the three Judges intended to hold court continuously, though but one at a time, extending each term the twenty days allowed by statute, and then call special terms. By this means it was expected to get more work done than when all three courts were in session at one and the same time, and the new method would also be less expensive than the old. The court further announced that equity cases would be heard by the Judges not presiding, and that in this way the attorneys could be better accommodated than under the old arrangement. The only order made in the case was that neither Judge Humphreys or Judge Gear would hold a separate court while Judge Robinson was presiding.

"I would like to inquire," interrupted Biting at this point, "how we are going to satisfy our clients under this new order of things?"

"I have nothing to do with your clients," answered Judge Gear.

"But they will want to know why their cases can't be heard."

"You tell your clients to get after the next Legislature and have the law amended. There are a lot of statutes on the books which need attention."

"I guess the only way, then, is to 'cuss' the court," said Biting.

"That is an attorney's prerogative for twenty-four hours after a decision is rendered. The attorneys might get all their clients together and cuss the court for that length of time; there will be no citation for contempt if you do," continued the court.

Judge Gear, in response to a question from Mr. Brooks in regard to the effect of the ruling upon divorce cases, said that it referred to all cases.

NEW JURORS CALLED.

Judge Robinson was compelled to summon ten additional grand jurors and the same number of petit jurors for appearance this morning. Seven of the grand jurors summoned for yesterday were excused by the court and the remaining jurors being insufficient for work, they were excused until this morning, when the new men will appear for service. Two of the men, A. Garstberg, of Grinbaum & Co., and N. E. Gedge, who stated that their presence

was required at the office to sign checks, were both excused. A. S. Cleg-horn presented a physician's certificate and was also excused. J. S. Martin, Theodore Wolff, S. L. Rumsey and R. W. Shingle were also excused. J. H. Fisher asked to be relieved because, as chairman of the Fire Commission, he was a Territorial official, but afterwards consented to waive the excuse.

The ten additional jurors were then drawn by lot from fifty names previously prepared, and were as follows: P. H. Burnette, L. Livingstone, D. Kawanui, J. A. Gilman, C. F. Herrick, Godfrey Brown, J. B. Castle, G. E. A. Thrum, C. H. Atherton, E. O. White.

A PECULIAR SUIT.

Reinno Rodanet has brought suit against Eugene V. Todd, Louise F. Todd, Albert V. Todd, a minor, Alice C. Todd (Rodanet), a minor, all children of A. A. Todd, deceased, and Henry Smith, to settle rather vexing question of ownership of property left by A. A. Todd to the plaintiff, in trust for the care of his children. From the petition it appears that on October 5, 1896, A. A. Todd made a trust deed conveying to Reinno Rodanet one thousand acres of land in South Kona, Hawaii, known as "Onouli," the deed providing that she should pay the debts of Todd and care for his children until they attained their majority, for which she was to receive compensation, and in case of the death of all the children before they reached the age of 21, the property was to revert to her. Todd thereafter went to Aia, Samoa, where he died.

The plaintiff alleges that in order to pay the debts of the said Todd it became necessary to borrow \$2500 from Henry Smith, for which she gave a mortgage, and which she is now unable to pay without disposing of the property in question. The petitioner alleges that she has kept an accurate account of the monies spent by her for the care of the children, and that she has so far advanced the sum of \$468.81 for this purpose. Because of the trust deed and the unsettled condition of the property, petitioner represents that she is unable to dispose of the land and asks that the court straighten out the tangle in which she finds herself.

The court is requested to appoint a guardian for Alice C. Todd and Albert W. Todd; that plaintiff be allowed to credit herself with the sum of \$468.81; that the court provide for the maintenance of the child adopted by her, the same as if she had not been adopted; that the sum of \$1550 be allowed to her for services in connection with the trust, and that the property may be sold to satisfy the note of \$2500 due to Henry Smith and the claim made by the plaintiff in the property at Kona, according to the petition, is of the value of \$20,000.

TRAMWAYS LOSES.

Judge Gear overruled a demurrer in the case of J. H. Boyd vs. Hawaiian Tramways Co. yesterday because the attorneys for the defendant did not appear. One of the new rules of court is that demurrers must be presented on the Monday following their filing; and Mr. Robertson, who appeared for plaintiff in the Tramways case, called the attention of the court to this rule. He said that he was ready to proceed, but that the attorneys for defendant were not present, and he said they did not intend to argue the demurrer.

Judge Gear stated that he did not intend to notify attorneys when they should appear in court, as they must become acquainted with the new rules. He thereupon overruled the demurrer and gave the defendants five days to answer, they having already taken ten days in which to file the demurrer.

PAIN SHOWS HIS HAND.

Judge Humphreys has set the case of Sun Kwong Mau Co. vs. Waikiki Land & Loan Co. et al. for hearing today, though there are several preliminary questions to be argued first. When Attorney McClanahan called the case up yesterday morning, counsel for plaintiff were not present, Mr. Brooks announcing that he was no longer in the case. He was the attorney originally bringing the action, but E. A. Pain's attorneys were employed to fight the Rapid Transit Company's extension through to Waikiki and Brooks was no longer consulted. This is the suit brought to prevent the electric line from being run through to Waikiki, which necessitated a cut through land being cultivated by Chinese gardeners.

COURT NOTES.

C. F. Reynolds, as commissioner in the case of Victor S. Buffandeau vs. A. A. Montana, bill for partition, made his report, and the matter will be formally presented next Monday.

The attorneys in the case of C. A. Long vs. H. Armitage were not in court yesterday when their demurrer to the complaint was argued. Judge Robinson postponed the matter for one week. He announced also that if the matter was not ready for argument next Monday the case would be dismissed.

F. A. Schaefer was appointed by Judge Humphreys yesterday as guardian of Carl Julius Hoting, in place of John Ena, resigned.

An order was made yesterday substituting Elias S. V. Neumann as executor for Paul Neumann, in the case of W. F. C. Hassan vs. W. H. Pain et al.

The Christy divorce case has been placed upon the calendar for the present term. Judge Robinson made an order yesterday setting Saturday as a day for hearing divorce suits. The cases assigned to Gear and Humphreys will be heard by the third Judge in their order on the calendar.

The demurrer in the Silva divorce case was overruled by Judge Robinson and the defendant given ten days in which to answer.

Fritz Meyer has been appointed guardian of the Doelling minors.

Judge Gear ruled yesterday that James R. Holt and John D. Holt were not liable for attorney's fees in the matter of the Holt estate, and the court advised Attorney Fleming to collect the fee in any manner which may be agreed to by the parties.

The trustee, Henry Smith, reported that there is no money in trust to pay the fee, and that the Holt brothers should be compelled to pay it.

B. W. Houghtaling has filed his final report as guardian of the state of George S. Houghtaling, showing property in his hands of \$2300, consisting of 17 shares Oahu Sugar Company and 6 shares Hawaii Land Company stock, and also the place of land. The estate is indebted to him in the sum of \$475.

The accounts in the matter of the estate of Evelyn N. Bidwell have been approved.

A cable to the Farrallones for weather signal purposes has been inserted in the appropriation bill at a cost of \$45,000. Wireless telegraphy may be substituted if practicable.

FOR DIPLOMACY BEFORE PROTEST AND MEETING

DIPLOMACY is to be exhausted before the protests against the removal of Father Wendelin are circulated and the people are brought together for the purpose of making a strong declaration. This decision was reached at the meeting of the committee to whose care was given the entire matter by the meeting at the club rooms at the Cathedral Sunday evening.

Chairman Quinn appointed the committee yesterday afternoon after many conferences with prominent men about town. It consists of Senator Clarence Crabbe, Lorrie Andrews, Charles J. McCarthy, Frank E. Thompson, John A. Hughes, W. S. Fleming, W. H. G. Arnold, T. M. Stewart and M. A. Gonsalves. This body met last evening at the office of Attorney Thompson and organized by the election of that member as chairman of the committee. Then ensued a long discussion of ways and means. It was decided that there should be no action until there had been actual conference with the Board of Health and the exhausting of every possible means of settlement without making public protests and holding mass meetings.

Overtures were made yesterday afternoon which promise to have the result of a meeting today, one member of the board being the intermediary, he being of the opinion that he can bring about the open discussion. With this understanding the committee finally adjourned after the appointment of the following sub-committee for the purpose of holding the conference: F. B. Thompson, John A. Hughes, M. A. Gonsalves and Lorrie Andrews. Another meeting will be held this evening for the purpose of hearing reports and deciding upon plans for subsequent action.

At the meeting of the Catholic Benevolent Union the following committee was appointed to draw up resolutions and act in concert with the citizens' committee: W. F. Erving, Dr. Jennings, M. J. Carroll, J. Cregan, Julius Asch, Thomas McGhee, M. G. Cordeira, A. E. Murphy, Charles McGonagle. A sub-committee consisting of three was named to meet the similar committee for the citizens' committee, W. F. Erving, Dr. Jennings and Julius Asch.

A meeting of the Concordia Society also will be held this evening at the Concordia hall, on Punchbowl street, in order to take action in the Father Wendelin controversy.

When the hour arrived for the usual meeting of the Catholic Benevolent Association last evening the room of the club at the Cathedral was filled with members and outsiders, who were gathered for the purpose of giving their support to the Father Wendelin protest. Superintendent J. F. Eckhardt, of the Queen's Hospital, called the meeting to order, saying he had been asked to preside at the preliminary meeting. He called for expressions of opinion from any of the gentlemen present.

Clem Quinn said that there had been a meeting held on Sunday evening which had provided for a committee which should draft resolutions and issue a call for a mass meeting to be held, if possible, on Friday evening, at Emma Square, for the purpose of considering the action of the Board of Health. In addition he said there would be a series of petitions which would be circulated and finally, when signed, sent in to the Governor, requesting that he veto the action of the board. On this account he thought there could be nothing done by the meeting which would work in harmony with the committee of the first meeting for the purpose of assisting it in its labors.

T. I. Dillon said that after the statement of Mr. Quinn he could not see that there was anything for the meeting to do but to await developments. The meeting had taken action which had set on foot the movement and any other action might embarrass the committee in its work.

E. A. Murphy said that this was his opinion. Any committee that might be appointed now would work in harmony and as assistants to the first named committee. He said it was the time for conservative, calm, diplomatic actions and words. He continued: "We know the justice of our cause and the injustice of the action taken and all we can do is to wait. We all feel deeply the cause which brings us here. We should use all diplomacy to accomplish our ends."

A question was asked as to whether or not Father Wendelin had received anything from the Board of Health pay roll. The response was that he received nothing but his rations, and this brought out the remark that it would seem a good thing to keep him.

The Rev. Father Valentine said that there are several points in the case which seemed worthy of setting out. When Father Damien was at the settlement there was no trouble. Later when the Sisters were sent to the settlement, there was an understanding, a tacit one, he said that they were to have a chaplain appointed by the bishop. Another understanding was that there would be a white superintendent, not a leper, for the protection of the ladies there. There were tacit understandings, not in writing. It was further agreed then that the superintendent should be a resident, not a missionary who would stay there a short time and then come here and spend a portion of the time. He said with impressive speech: "I maintain that so long as there is one Catholic at the settlement the bishop has full power to appoint a spiritual guardian," and the applause was loud. He said further that there were two things to be considered, the legal phases and the raising of public opinion, and he said he had been approached by men who said they were willing to work for this good, honest and just cause. There was nothing further to be done and the meeting adjourned.

The Board of Health yesterday gave out the following, being the letter of the board to Bishop Guistman, when he refused to recall Father Wendelin:

Honolulu, T. H., May 7, 1902.
Rt. Rev. Rupert Guistman, Bishop of Honolulu.

Sir:—In answer to your communication of the 30th day of April, 1902, the board having taken the same under consideration at a board meeting held on the 7th day of May, 1902, in Honolulu, beg to submit the following points:

The board having determined that the welfare and harmony of the leper settlement would be promoted by the removal of Father Wendelin, has not, out of courtesy to the Catholic mission and in appreciation of the good the mission is doing generally for the settlement, exercised its own power of removal, but has requested yourself, the superior of Father Wendelin, to do so. In answer to the request you have refused to remove Father Wendelin, who is a persona non grata to the board. The board is therefore driven to the only remaining alternative, the exercise of its own powers.

This would under certain circumstances in your letter which ought to be answered, least grave and serious misunderstandings and uncertainties follow hereafter.

It should be clearly pointed out therefore that the Board of Health has been, is, and continues to be, the sole judge of what is for the harmony and good government of the settlement.

By law the board is invested with a very wide and complete power over every person at the settlement, with good reason, too, for if, under any circumstances whatsoever, such power may be put in issue, the object of the settlement, segregation, is defeated. If, person, for any reason whatsoever, at any time or under any consideration, can say to the Board of Health, "You cannot exercise this power in this case," the power of the board to enforce complete segregation is defeated. The statute therefore wisely provides:

"No person, not being a leper, shall be allowed to visit or remain upon any land, place or enclosure set apart by the Board of Health for isolation and confinement of lepers without the written permission of the President of the board or some officer authorized there to by the Board of Health, under any circumstances whatever, or any person found upon such land, place or enclosure, without a written permission, shall, upon conviction thereof before any district magistrate, be fined in a sum not less than ten nor more than one hundred dollars for such offense, and in default of payment to be imprisoned at hard labor until the fine and costs of court are discharged in due course of law." P. L. Sec. 992.

Not only is the board vested with discretion and authority, but the statute is so explicit and the charge of such a nature that the board can in no manner waive either the discretion or authority or means of carrying out the same.

Yet, state in your letter that you have been "permitted" to establish a mission at the settlement, a church, school and residence buildings, and to send teachers and preachers there. The fact you are "permitted" seems to be only partially understood. It should be pointed out therefore that the Catholic mission can never get away from the fact "that it is permitted;" that it cannot acquire any right except such as is granted it by the board, and that it can be but one authority, the settlement, the authority of the government of the Territory of Hawaii. Any encroachment of this authority, or upon the board's control of the settlement and property, however slight, should be met by measures on the part of the government and the Board of Health conformable to the nature, importance and insistence of such encroachment.

You state that we cannot ask you to remove Father Wendelin without charges. Can you make yourself the judge of whether we ought to dismiss Father Wendelin? We submit that such would be an interference with our discretion which we believe you surely would not seriously contemplate. It is sufficient if the board states to you that your subordinate is no longer a desirable person at the settlement from the standpoint of the Board of Health. Upon such statement it is then a matter of your own choice whether you will or will not accede to the board's request.

Before the board, is Father Wendelin entitled to have charges preferred and proven? He is not an employee of the board, nor is he a kokua at the settlement. By the statute kokuas may only be appointed to husbands or wives of lepers segregated at Kalaupapa. P. L. 330. He is simply a person allowed to visit and remain at the settlement just so long as his residence there is acceptable to the board, and in their opinion conducive to the welfare of the settlement.

In this case the conclusions and acts of the board as to dismissal are within authority, conclusive, final and legal, and, moreover, are technically and morally in conformity with the responsibility of the board in the government and control of the lepers placed under its charge and with the duty to raise and ameliorate their condition. Otherwise, persons with the best of intentions, with the sincerest of convictions, technically confining themselves within the sphere of their own duties, and honestly striving to better their conditions, are putting perhaps unconsciously and involuntarily an influence impairing harmony and good government are out of the reach of those whose business and duty it is to watch and fare for that harmony and good government.

Father Wendelin is a volunteer in a work which calls for a great deal of self-denial, restraint and nobility of spirit. Nevertheless it is not by that self-denial, restraint and nobility of spirit that he must be judged, but by the effect of his work. Persons of the best of intentions are capable of doing harm though perhaps they do not mean to. So it is that the board did not and does not intend to cast any reflections upon the personal attributes of Father Wendelin, but find only that his removal from the settlement would promote harmony and good government thereof.

The work of self-sacrifice and Christian administration done by the members of the Catholic mission at the settlement calls forth the commendation not only of the Board of Health, and of the government and people of the Territory, but of the whole world. Toward them as engaged in this noble work the board cannot help entertaining the kindest feelings of respect and confidence. For this reason few if any cases of infraction or supervision by the board in the work of establishing the mission, erecting the churches, schools

and residence buildings have occurred in the period mentioned in your letter, and yet the relationship between the mission and the board has always been clear. As volunteers in the work the mission has been and is now allowed, and even invited to use a free hand to erect churches, schools and residence buildings, and do all in their power to ameliorate the condition of those restrained at Kalaupapa, and its work has been, is and always will be respected. Nevertheless the power of the government of the Territory, through its duly authorized officials to be the sole judge of the effect of such work in relation to the harmony and good government of the settlement has never been, and never can be, questioned; nor the fact that the mission is at the settlement by "permission."

I have the honor to be, Sir,
Your obedient servant,
C. CHARLOCK,
Secretary Board of Health.

TOSSED OVER A RAIL FENCE

ROBERT LISHMAN, the well known kamaaina, contractor and builder, was almost instantly killed yesterday afternoon in a paddock at the rear of his residence on Keamoku street, by being tossed over a fence by a Jersey bull, the fall breaking Mr. Lishman's neck. Physicians were hastily summoned but the unfortunate man was beyond human aid.

The bull which caused the tragedy is confined in a paddock in the premises, and during the afternoon he had been angry while Mr. Lishman's son George was in the enclosure. Mr. Lishman got a whip and went to the paddock intending to lay the lash upon the beast. He entered the space and was going toward the bull when the animal suddenly charged upon him. Mr. Lishman tried to make an exit from the paddock by going between the fence rails. As he stooped and was in the act of throwing one leg over a rail, the bull came behind him, and with a vicious toss threw the unfortunate man high in the air, over the topmost rail, to the other side. Mr. Lishman fell upon the back of his head and neck and lay quite still. The accident was seen from the house and several persons ran to Mr. Lishman's assistance. A telephone call was sent to Dr. Humphris and Dr. Mays and both came promptly. Mr. Lishman was still breathing when his family removed him to the house, but by the time the physicians arrived he was dead. He lived probably but a few minutes. There was a wound on the right arm where he had struck the ground.

The deceased was born at Horsely, Northumberland, England, on April 17, 1831, and was therefore a little more than 71 years of age. In 1871 he was summoned from Australia, where he had been living for many years, by King Kamehameha V to come to Hawaii to superintend the construction of the Judiciary building. He was afterwards Superintendent of Public Works under Minister of the Interior S. G. Wilder, and for many years following his public service was a contractor and builder. Among the monuments to his skill are St. Andrew's Cathedral and the Lunalia Home.

Mr. Lishman was one of the first persons to secure land upon what was known as "The Plains," now Makiki, and build a home there. Between Punahou and the present downtown portions of the city there was a stretch of country barren of houses. No one thought of living there, and the old-time horse races were held half way between the two populated sections. Mr. Lishman was laughed at for his venture, but he lived to see the day when "The Plains" became one of the most desirable and populous residence districts of Honolulu.

Besides the widow, Mr. Lishman has surviving him William, Thomas, Percy and George Lishman, Jane Moore, the widow of Robert Moore; Mrs. Isabel Creighton, Margaret Lishman, Mrs. Ross, of Hakalau, and Daisy Lishman. A son, John Lishman, was killed many years ago by a fall from a horse. The forty-eighth wedding anniversary of Mr. and Mrs. Lishman was held in April.

The Kaahumanu school will be closed today out of respect to the Lishman family.

READ ALL OF THIS

You Never Know the Moment When This Information May Prove of Infinite Value.

(From the Sydney, N. S. W., Herald.)

It is worth considerable to any citizen of Honolulu to know the value and use of a medicine, for if there is no occasion to employ it, in the meantime, frail humanity is subjected to so many influences and unforeseen contingencies that the wisest are totally unable to gauge the future. Know then that Doan's Ointment will cure any case of hemorrhoids, commonly known as piles, or any disease of the cuticle or skin, generally termed eczema. One application convinces—a continuation cures. Read this proof:

Mr. William Gilliver, of the well-known firm of Gilliver & Curtis, railway and general contractors, and whose private address is "Avoca," Bankstown, a suburb of Sydney, N. S. W., has written the following unsolicited letter, which we herewith publish in full:

Messrs. Foster, McClellan & Co., 75 Pitt St., Sydney, N. S. W., February 14, 1899.

Dear Sirs:—In justice to you and suffering humanity I write to say that I suffered from itching piles for 22 years. I tried many doctors and pretty well all kinds of patent medicines, but got relief for a short time only. Seeing your Ointment advertised, I bought a pot and did not use more than one-half of it, not six months ago, and I am perfectly cured. You may use this as you wish.

Yours gratefully,
WILLIAM GILLIVER.

Doan's ointment is sold by all dealers at 50 cents per box or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, agents for the Hawaiian Islands.

SCOW NOT IN SHAPE

Naval Officers In Port Inspect Boat.

Acting under instructions from Washington a commission of naval officers from the gunboat Wheeling, selected by Admiral Merry, made an examination of Hackfeld & Co.'s new steel scow Pioneer, with a view to its purchase by the Government for use at the Pearl Harbor naval station. The board made its report to Admiral Merry yesterday, recommending several important improvements and alterations in the scow before it can be purchased by the Navy Department. Otherwise the findings of the commission are favorable to the purchase of the scow, but Admiral Merry, though fully empowered to close the deal, will take no further steps until after he has submitted the report to Washington and received further instructions from the department.

The Pioneer was prepared in Germany for Hackfeld & Co. just prior to annexation and shipped to Honolulu and set up here. It was intended to use the boat as a lighter, for loading vessels with coal and water, and the Pioneer carries water tanks and other appliances for that purpose. When annexation came, the vessel having come from Germany, Hackfeld & Co. were unable to obtain an American register for her, and since her setting up she has been laying idle in the harbor. An attempt was made to secure the passage of an act by Congress granting American registry to the vessel, but no action has been taken. Consequently, when a tender was made on the part of Admiral Merry looking to the purchase of the vessel by the United States Government it was favorably received. Nothing is given out as to the price agreed upon between the parties, but it is somewhere in the neighborhood of \$30,000, which was the amount appropriated by the Navy Department for that specific purpose.

It is understood that the board from the gunboat Wheeling, which consisted of Lieutenant Smith, Lieutenant Diefenbach and one other officer, reported that the vessel was in fairly good condition, that the manufactured plates were all right, but that they had not been properly put together. A number of important changes are recommended, to make the scow conform to the regulations of the Navy Department, and unless these are made the purchase will not be consummated.

The scow, if purchased by the Navy Department, is designed for use as a lighter between Honolulu and Pearl Harbor naval station. She will be used to carry supplies and as a buoy tender and also for carrying coal and water to vessels of the navy. The Pioneer is a ninety-ton steel scow, 109 feet long, 105 feet between perpendiculars, 8½ feet depth and 23½ feet beam. The scow has rigging strong enough to lift the heaviest machinery and is equipped with water tanks.

Admiral Merry will forward the report of the commission with his recommendations to Washington by the first steamer.

family, Mrs. Creighton, being the vice principal and Miss Daisy Lishman one of the teachers, while the flag will be half-masted from sunrise to sundown.

Although Mr. Lishman never affiliated with the Masons in Hawaii, yet he is said to have been a Mason in England.

NOTICE

THE UNDERSIGNED, HAVING been duly appointed executors of the will of John D. Neal, late of Koloa, Kauai, deceased, hereby give notice to all persons having claims against the said estate to produce proper vouchers to the undersigned at Koloa or Kealia, Kauai, within six months from date hereof, or they will be forever barred, and all persons indebted to the said estate are requested to make immediate payment to the undersigned.

E. E. CONANT,
JNO. W. NEAL,
Executors of the Will of John D. Neal.
2279—April 29—May 6-13-20.

NOTICE TO CREDITORS.

H. D. WISHARD HAVING BEEN appointed administrator of the estate of John P. Silva of Kealia, Kauai, deceased, hereby gives notice to all persons having claims against said estate to present same to him at Lihue, Kauai, with proper vouchers, within six months from date hereof or they will be forever barred, and all persons indebted to said estate are requested to make payment to the undersigned.

H. D. WISHARD,
Administrator of the Estate of John P. Silva.
Lihue, Kauai, May 10th, 1902.
May 13-20-27-June 3

Olaa Sugar Co., Ltd.

ASSESSMENTS.

THE TWENTY-FIRST ASSESSMENT of 10% or two dollars (\$2.00) per share has been called to be due and payable June 20, 1902.

The twenty-second assessment of 10% or two dollars (\$2.00) per share has been called to be due and payable August 21, 1902.

The twenty-third assessment of 10% or two dollars (\$2.00) per share has been called to be due and payable October 21, 1902.

The twenty-fourth and final assessment of 10% or two dollars (\$2.00) per share has been called to be due and payable December 20, 1902.

Interest will be charged on assessments unpaid ten days after the same are due at the rate of one per cent (1%) per month from the date upon which such assessments are due.

The above assessments will be payable at the office of The B. F. Dillingham Co., Ltd., Stangenwald Building (Signed) ELMER E. PATTON,
Treasurer Olaa Sugar Co.

May 12, 1902.

THE DITCH PROPOSALS

E. S. Boyd's Part in the Committee Debate.

The following argument and protest by Land Commissioner Boyd, lodged with the Committee on Pacific Islands and Porto Rico before Mr. Boyd left Washington.

The Chairman of the Committee on Pacific Islands and Porto Rico, United States Senate:

Sir:—I submit the following statement regarding H. R. Bill No. 11,997, now pending before your committee:

In the early part of 1901 an application was made by Samuel Parker of Honolulu to the officers of the Territory of Hawaii, for a license to collect and divert the water from the public lands to the north and east of the Kohala mountains, on the island of Hawaii, and for a right of way for a ditch across said lands.

The application was considered with much favor, but there was some doubt in the minds of the Territorial officers regarding their authority to grant the license asked, and the opinion of the Secretary of the Interior was sought. His reply was to the effect that if there was no clear authority under the law for such action, it should not be made, and that if there was not such authority and the Governor considered that such authority should be vested in the Governor, he should so state in his next annual report.

About June 1st, 1901, and a month prior to the receipt of the above reply of the Secretary, another application for a similar license was filed with the Territorial officers asking for the privilege of taking water from a portion of the same land named in the application of Samuel Parker. The latter application was in the name of John Walter Jones of Honolulu. No further action was had on either application until about July 8, 1901, when a meeting was held at which were present the Acting Governor, the heads of the different government departments, and representatives of the two applicants.

This meeting was called to consider these applications. J. W. Jones presented plans for the proposed ditch, which he claimed were the result of the work of engineers which had been working in the Kohala mountains for some weeks on this matter.

The representatives of Samuel Parker also presented certain maps and stated that they had surveyed part of the watershed, and were asked to submit their plans and full maps within a month. The letter from the Secretary of the Interior was read and discussed, and further action was delayed. The law was thoroughly discussed for some time following, and it was finally determined that the Territorial officers did not have the requisite authority.

About the middle of August it was determined that a report upon the plans submitted by J. W. Jones (no others having been further presented by any other person) should be made by the government engineer, who, accordingly, was sent to the island of Hawaii for that purpose. His report, after an examination, was that the plans of Jones were practicable, and recommended the issuance of a license, under certain restrictions. Another meeting was then called, at which were present Governor Dole, the heads of government departments, Samuel Parker, Mr. S. M. Ballou, counsel for Mr. Parker, Mr. J. W. Jones, Messrs. H. B. and A. C. Gehr. Before there was any discussion Mr. Ballou announced on behalf of Mr. Parker that there had been a coalition of the interests of Samuel Parker and J. W. Jones, and that Parker desired to withdraw his application for a license in favor of the Jones application, and that Parker would make no further application for this privilege. The Jones application contained stipulations which were considered more favorable to the government.

From this time until about September 1st, there were many conferences regarding the terms of the license, at which all the persons interested were represented and working in harmony. In the end a form of license was drafted, containing a large number of restrictions and agreements to protect the government and other holders of lands, all of which were pronounced acceptable by both the Parker and Jones interests.

At this time certain business interests of the islands requested a delay that they might examine into the matter, to see if they might be affected by the issuance of the license. The question was fully discussed with and by them and in the press, and several further amendments to the license were suggested in the public interest. A letter to the copy of the proposed license, particularly with its terms in particular. These amendments were in turn accepted by both the Parker and Jones interests, and, as there appeared to be no sufficient objection to the issuance of the license, it was practically agreed by the government that the license should be granted.

Before this could be done, the Governor received from the Acting Secretary of the Interior a letter denying the authority in the Territory to make such a license, and no further proceedings in this matter were had. Recently this decision has been reversed, and the Secretary of the Interior, upon the opinion of the Assistant Attorney General, assigned to the Department, has held that the Territory has full authority to grant a license of this character.

About October 1, 1901, Samuel Parker notified his own name, his application with the government, and was practically the same terms as were proposed for the joint Parker-Jones license.

Subsequently Mr. Parker and his associates, who, as I am informed, do not include J. W. Jones and his associates, formed the Hawaii Ditch Co. Ltd., and at the instance of this company certain bills were introduced in Congress, asking for a right of way over said lands included in the license discussed at Honolulu.

The House bill was referred to the Committee on the Territories, and the Senate bill to the Committee on Public Lands. The latter bill, as I am informed, is still pending before that committee.

These bills asked for a grant in perpetuity, without compensation, or restrictions of any character, and in addition the right of eminent domain over private lands. The House bill was subsequently amended, and passed by the House, and is now before the Sen-

ate Committee on Pacific Islands and Porto Rico for action.

At a recent conference held in Washington, at which were present Governor Dole, myself and representatives of both the Hawaii Ditch Co. and of those interested in the Jones application, it was ascertained that the further coalition between the Parker and Jones interests was refused by one of the parties, and then Gov. Dole announced that as there were two parties asking for the same privilege, he could not side with either, and that the matter must be decided at Honolulu, and that under the circumstances, the right to the license would probably have to be put up for sale at public auction.

As Commissioner of Public Lands for the Territory of Hawaii, I wish to enter objection to the passage of this bill now before you, H. R. 11,997, or any other bill of similar import, and I have no objection chiefly upon these grounds:

1. The term of the grant is for an unlimited period.

2. The vagueness of the description of the territory through which the ditch is to run and of the rights which would be conferred, leave too much ground for uncertainty and litigation.

3. The fact that the charter of the Hawaii Ditch Co. precluded it from holding lands, but may not prevent it from selling all or a large part of the water to the majority stockholders, who might not sufficiently protect the interests of others, and more especially the small holders of lands. In the license proposed by the government of Hawaii this matter was so fully covered that there can be little room for possible evasion of the intent of the license.

4. The amendments which are now acceptable to the Hawaii Ditch Co. seem to be so because of opposition offered by the officers of the Hawaiian government and other parties who claim an interest in the matter. The Territory of Hawaii does not wish to depend upon the efforts of individual citizens, nor incur the expense of keeping an official in Washington to object to possible legislation harmful to the Territory, and the distance from Washington to Honolulu in both time and miles is large. If a precedent should be established by the enactment of this bill into a statute, other attempts of a similar character may be made, and in fact such bills are already pending in Congress.

5. The gentlemen of your committee and other committees do not now possess the intimate knowledge of our lands and the conditions surrounding them, or the present means for obtaining such knowledge, so requisite to enable you to thoroughly and sufficiently pass upon the merits of an application of this kind, and if you had such knowledge, your time and attention are occupied with the large affairs of a great nation, and you can not spare the time necessary for such an examination.

These are small matters when compared with those of national and international import which constantly demand your close attention, but they are of great importance to the Territory of Hawaii, with her limited resources, and we can and are willing to devote all the time required for a proper solution of these problems.

In the case you are asked to decide at a few meetings of an hour or so each, questions which the Territorial officials have passed upon and decided many times, and to which, in the case of the Kohala water license, they have devoted anew many days of time, extending over a period of many months, including a personal examination of the lands in question.

I think that this is a matter which should be left to the officers of the Territory.

Should you think otherwise, I respectfully request that you will not act in this or any similar matter, until you have a personal and exact report from some one upon whose experience and judgment you place reliance, and whom you may send to Hawaii to make an examination of our conditions.

Respectfully submitted,

EDWARD S. BOYD,
Commissioner of Public Lands for the Territory of Hawaii.

PIONEER MILL COMPANY SUED

J. Alfred Magoon has brought suit against the Pioneer Mill Co. for possession of certain land at Pahoa, Lahaina, Maui, alleged to have been wrongfully taken by the defendant.

Mura has sued the Pioneer Mill Co. for damages in the sum of \$3000 for the arrest upon a charge of malicious mischief, for which he was confined in jail until trial upon which he was released. Waiholo is also made a party defendant. Hiramoto also sues the Pioneer Mill Co. for \$2000 damages and for cause of complaint alleging that one of defendant's servants, Waiholo, assaulted, kicked and bruised him, causing great bodily pain and suffering. All three of the above cases are addressed to Judge Kalua.

Harriet Baily and D. T. Baily, her husband; Charles Lewis and Blanche Lewis, wife of Charles Lewis; Alexander Lewis and Alice Lewis, wife of Alexander Lewis; Elizabeth M. Cushingham; James D. Lewis and Annie Lewis, wife of James D. Lewis; Margaret B. Grievie and Louis Grievie, her husband; L. L. McCandless; Jas. Auld, Harry Auld and Miriam Auld, wife of Harry Auld; Cecil Brown, trustee; is the title of a bill for the partition of real property, which was filed in the Circuit Court yesterday.

The plaintiffs allege that James Lewis, father of several of the defendants and plaintiffs, died on or about April 6, 1875, and that at the time he was seized of certain lands in Honolulu, and in his will he devised unto his wife, Catherine Lewis, the income of all his estate for the term of her natural life, and after her death the lands to go to his children, Elizabeth M. Jas. D., Margaret B., Charles C., Horace H., Catherine, Harriet and Alexander. That Alexander Lewis is the son of Jas. L. Lewis, deceased, and Catherine Lewis, and was born on September 25, 1875. That Catherine Lewis was again married to James Auld, and was his wife until her death, October 1, 1901. That Horace Lewis, deceased, one of the devisees, was seized of a vested interest in the property. He died April 23, 1901. Catherine Lewis left surviving her husband, James Auld, Elizabeth M. Cushingham, Charles C. Lewis, James D. Lewis, Catherine Laylor, Margaret Grievie, Harriet Baily, Alex. Lewis, the children of her husband, and first husband, Jas. L. Lewis, deceased, and Harry Auld, the only issue of her marriage with James Auld.

The petition further recites that the plaintiffs are tenants in common in certain valuable property, which interest is set out in detail, and they ask that the property be partitioned according to their respective interests.

The property in question is located at the southeast corner of King and Hotel streets, comprising two square feet, and is situated on the Waikiki road, opposite "Sunny South," containing an area of three and a half acres, also two lots at Kalia, Waikiki, the land conveyed to the government for the widening of the Waikiki road being excepted.

REV. HENRY BOND RESTARICK BISHOP-ELECT OF HONOLULU

THE following correspondence, though somewhat delayed in transmission, contains enough that is new to make it interesting to The Advertiser's readers:

(Special to The Advertiser.)

CINCINNATI, April 17.—At the session of the house of bishops of the Protestant Episcopal church, held in this city April 15 and 17, in the parish house of Christ Church, East Fourth street, three missionary bishops were elected and three bishops for the National Episcopal church of Mexico. The three missionary bishops were for Salina, Kas.; Porto Rico and Honolulu. The Honolulu bishopric was by far the most important place to fill on account of the frictions which for some years have obtained among the Episcopalians of that country. Bishop Potter of New York, who was sent to Hawaii for the express purpose of investigating the causes of the trouble and suggesting a remedy, was one of the principal figures at the session just closed. In regard to the Hawaiian matter, he said to your correspondent: "I believe the bishop-elect for Honolulu is particularly well fitted for his mission of conciliating the two sides of the Episcopal church of that country. The cause of trouble over there is well known. The former Anglican bishop, Right Rev. Alfred Willis, D. D., who was in office since 1872, was not fortunate in securing harmony among the members of the church. Before the annexation of Hawaii the anti-American feeling among the Anglicans was perhaps very pronounced and intense, but since the annexation this hardly enters into the situation. In fact, I do not think this phase had much to do with the trouble from the beginning. Bishop Willis, it appears, experienced no difficulty with

the agreement that this church in the future do not consecrate any other bishops without the consent of the American house of bishops. Bishop Dudley, chairman of the house, was instructed to put himself in communication with all the bishops of the church in order to obtain the required constitutional majority. There are eighty-two bishops constituting the house, whereas at the Cincinnati session only fifty bishops were present. It is believed that the application of the Mexican church will be honored with this majority. The proposition was all the more favorably received, however, because at the last general convention in San Francisco a report from the Mexican church gave promise of organic harmony with the forms of worship of the Episcopal church. This action of the bishops means the establishment of a National Mexican Episcopal church, independent in its jurisdiction, but still under the tutelage and patronage of the Episcopal church of the United States.

The Mexican bishops elected are the following: Rev. Henry Forrester, who has been superintending the Episcopal work in Mexico for the past ten years, and who translated the entire ritual and book of common prayer into the Spanish language; Rev. Jose Antonio Carrion and Rev. Fausto Orinivela. All these are engaged in work in and about the City of Mexico. The first bishop of Mexico was Bishop Riley. Charges of a serious character were made against him some ten or twelve years ago and he resigned his office. There are at present some thirty-five Episcopal congregations in Mexico, with some twenty native clergymen, and the prospects of future growth are very bright.

Rev. Henry Bond Restarick, bishop-

elect of Honolulu, is a native of England. He is a graduate of Berkeley Divinity School, Middletown, Conn.; was ordained a deacon in 1881 and a priest in 1882 by Bishop Perry, of Iowa. Since 1882 he has been rector of St. Paul's church, San Diego, Cal. From 1880-82 he was curator of Trinity church, Muscatine, Ia. He was a delegate to the general convention in 1895 and is the author of several books, among these being "Lay Readers, Their History, Organization and Work," "The Laws of God," "Addresses on the Seven Last Words." He was examining chaplain of California from 1891-95.

When asked about the troubles in the church in the islands, Mr. Restarick said: "The troubles do not concern me. Bishop Nichols is a wise man and he has, I should judge from the report in the Honolulu Commercial Advertiser, done much to remove the differences. If I go, I shall go hopefully and cheerfully. I have many friends and old parishioners in the islands. It is very hard to break the sacred ties here, cemented as they are by the affection of years, but the call of the church has come in such a way that I believe it is my duty to obey."

Mr. Restarick has not yet seen his bishop since his return from Cincinnati, and will give his decision after an interview with him. Mr. Restarick has been informed by letters that his election by the house of bishops was practically unanimous and on the first ballot.

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A DAY OF JUDGMENT

Robinson Sends Two Men to Prison.

(From Saturday's daily.)

Yesterday was judgment day in Circuit Court, and two prisoners were sentenced by Judge Robinson. Ortiz, a Porto Rican, convicted of larceny in the second degree, was given one year's imprisonment, the limit, while Malalal, an aged Hawaiian, was sent up for six months on a charge of criminal assault.

JURORS EXCUSED.

Upon the opening of court yesterday morning Judge Robinson excused two jurors for the term, they having presented good and sufficient reasons. C. S. Holloway stated that one of his partners was on the Coast and the other about to go to Maui, which would leave no one in the office but the stenographer, a recent acquisition. The excuse was accepted as sufficient.

A. S. Prescott stated that the new manager for May & Co., who had been expected on the Sonoma, failed to make connections, and his services consequently could not be dispensed with at this time. He also was excused.

A BAD PORTO RICAN.

If what some of the acquaintances of Ortiz say is true, the Porto Rican sentenced by Judge Robinson yesterday morning for one year will do very well in prison. When sentence was pronounced the court stated that the fact of the crime being committed at night made it more serious, and the prisoner would be punished accordingly. Ortiz, through the interpreter, stated that his character had always been good and if the court would write to the Governor of San Juan, Porto Rico he would receive a certificate to that effect. If this was not true the prisoner said he was willing to serve ten years in prison instead of one. Judge Robinson remarked that he had fulfilled his duty, and further proceedings must come from the executive. After the sentence one of the countrymen of Ortiz stated that the defendant bore a bad character in Porto Rico and was known as a vagabond. At one time the Spanish authorities had offered a reward of 1000 pesetas for his capture, dead or alive.

MAIALAI FINALLY CONVICTED.

Charles Maialai, who was twice acquitted on similar charges at the last term of court, was finally convicted by a jury yesterday afternoon, and a sentence of six months in prison was immediately imposed by Judge Robinson. The defendant is an aged Hawaiian, charged with criminally assaulting a native girl of about 12 years of age. On two other charges at the March term of court he was acquitted.

The question of competency of a witness was again raised in this case, but the court, differing from Judge Gear in this respect, held that belief in God, even though the witness did not know who God is, was no bar to taking her testimony. The witness in question was a native girl 12 years of age who said she knew there was a God, and that if she didn't tell the truth she would be punished, but she didn't know who God was. Judge Robinson held that the girl knew enough about the nature of an oath to make her testimony competent.

The trial of the case occupied the entire day. At the close of the evidence for the prosecution, defendant moved for a directed verdict of acquittal, which the court denied. No evidence was offered by the defendant, and after argument the case was submitted to the jury. In half an hour a verdict of guilty was returned and Maialai asked that sentence be passed immediately. He stated that he was innocent of the crime charged, and that there was a plot to send him to prison. The prisoner is 79 years of age, and this fact was taken into consideration by the court in imposing a sentence of but six months.

The following jury heard the case: William H. Thornton, C. K. Quinn, L. D. Timmons, J. W. Akana, James Bicknell, H. J. Mossman, A. D. Larnach, Joseph Richards, F. J. Church, H. G. Wooten, Charles Dickerson, F. P. McIntyre.

CIRCUIT COURT NOTES

Judge Humphreys yesterday approved the master's accounts in the matter of the estate of James Robinson, disallowing the investment in McBryde bonds. He promised to file a written decision later. The master, Henry Smith, was allowed a fee of \$100.

The will of the late E. C. Macfarlane was admitted to probate yesterday, and Henry R. Fred W. and George W. Macfarlane and Florence Ballinger Macfarlane were appointed executors without bond, as was provided by the will.

A discontinuance was filed yesterday in the divorce libel of Thomas Smith vs. Margaret Smith.

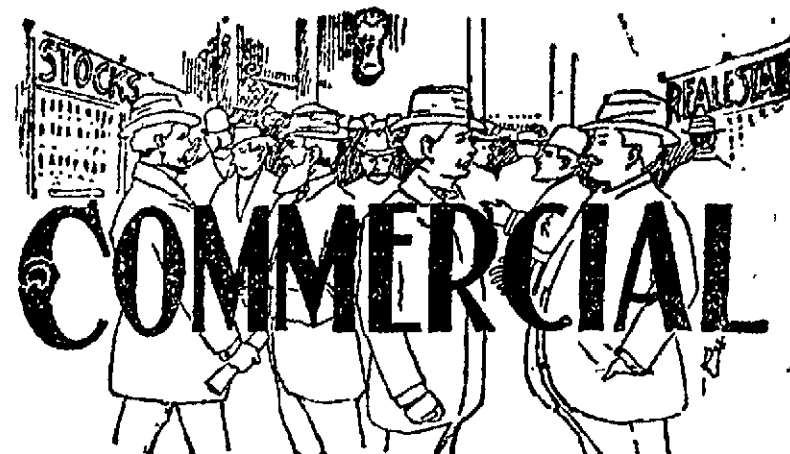
J. M. Dowsett filed his annual account yesterday as executor of the will of H. M. Stillman, showing collections of \$3,700.60, and expenditures amounting to \$2,999.35.

An answer has been filed in the case of J. C. Axtell vs. H. E. Hendrick, suit for \$10,000 damages for malicious prosecution. Defendant admits that he did charge plaintiff with having converted the sum of \$600 to his own use, but alleges that such action was taken upon the advice of E. P. Dole, Attorney General, after he had been acquainted with the facts.

The hearing of the matter of the first accounts of J. F. Kaeha, as guardian of Lul Naohuelua, was continued by Judge Gear until the title to certain property can be cleared up by suit.

Chang Kim has been appointed administrator of the estate of Akoi in place of C. Lai Young.

Application has been made for the



COMMERCIAL

IF THE TONE of the stock market may be taken as an indicator of the general feeling of the capitalists of the city, there is coming fast the condition longed for by investors and men interested in sugar shares. This is the shaking out of all the weaklings in the market, so that stocks are held in strong hands and there will be made no false quotations, based on necessity for realization rather than on values. This has shown true in at least two stocks, according to the best information. For instance there is no Ewa to be had today unless one wishes to pay \$24, which has been the rate for the past two or three weeks. There is no constant demand for the stock, growing stronger perhaps, but the sellers are few and there seems to be little chance that any great amount of Ewa will come out very soon.

The other stock is Waiwala, which, though the last sale was at \$60, a small one, and only making the quotation from the chance for some one to round out a holding, has practically advanced from \$53.50 to the present bid of \$65 without a sale. The stock is wanted but those who have it do not want money so badly that they will put out their holdings at a less price than \$70. The stock offered at the latter figure is not pressed but the sellers are making a fair margin and will let go at the price. These instances are regarded by some students of the market as showing that the prospects are good for the immediate future and they confidently express the belief that within the coming six months there will be a readjustment of business on a scale which will mean not the old times but new ones of solid business stability.

The feature of the week has been the sale of a large block of Rapid Transit stock, which changed hands at par. This stock was the holding of Alexander Young, and was sold by him, not through any distrust in the investment, but because of the differences with some of his associates as to methods of procedure. The block consists of 350 shares, and the buyers are insiders. The haul was made up to take the stock, when it was known that Mr. Young would dispose of his holdings, though he would not peddle his stock or dispose of it at less than par. This marks another change in the market, for there is now no stock of the R. T. & L. Company at less than 100 cents on the dollar. The knowledge that there are funds at hand for the carrying on of the extensions which are contemplated by the corporation, the putting of it upon a solid financial basis, all have had their effect and with the increase of the stock and the bonded indebtedness the immediate result is thought to be the arrival of the company upon a dividend-paying basis, and the stock feels the appreciation immediately.

The sales of the week are not prolific of great changes and are notable for the fact that the stocks traded in are at the same figures as have prevailed. The sales are the following: Ewa, 70 shares at \$24; O. R. & L. Co., 11 shares at \$20; Oahu, 27 shares at \$90; Oahu, 100 shares at \$13; Kihel, 15 shares at \$10.50; Kahuku, 100 shares at \$24; Hawaiian Sugar Company, 10 shares at \$25. These indicate that the market is stationary and that there is little doing in any way, the sellings being reported as of realizations rather than the parting with stocks, where the price is esteemed to represent ultimate values.

REAL ESTATE.

There has been during the week past a resumption of inquiry for small houses and cottages. This means a return of the confidence of the small investor. There is, however, a very short supply of small houses, and as a result there seems to be a chance that there will be, more than usually happens, a demand for accessible lots. The holders of tracts within easy reach of the business center report that they are showing lots to prospective purchasers and there are many sales on the tapis.

Surveys are being made by the United States and Company preliminary to the contracting for the filling in of the lands which have been taken over by the company from W. C. Achi. The fact is that the 390 lots which comprise the un sold portion of the tract, bordering on King street and the Sheridan road, will need in the neighborhood of 125,000 cubic feet of filling to place them to grade and make them as desirable as the surrounding property. There is some talk of the continuation of the filling once it is begun so as to remove from the district bounded by King street, the Ala Moana and the Sheridan road, any possibility of a swamp, and the consequent reduction of the mosquito nuisance will be more than commensurate with the improvement. This, if carried through, will redeem the entire Kewalo district from the rice fields and taro patches.

Downtown real estate is as it has been for months, at a standstill. There is no chance that there will be any immediate changes as the buildings now under construction are considered ample to take care of the business of the center of the city for the present and several prospective builders are of the opinion that they will await the future. The only new building in immediate prospect is that for the Kapiolani Estate, which will be only of two stories and will be so shaped as to make an ornament for the corner of Alakea and King streets. The Young building is in the interior fitting stage, and the other downtown buildings are progressing as best they may, the Lewers & Cooke building being up to the first story.

Articles of incorporation of the McCully Land Co. Ltd. were filed yesterday afternoon. The object of the organization is the purchase of the McCully tract on King street near the Waikiki turn, and the capital stock is given as \$80,000, divided into 100 shares and of which 630 have been taken. The incorporators ask the privilege of a subsequent extension of capital to \$200,000.

The officers of the company are E. O. White, president; Frank Hustace, vice president; W. J. Forbes, treasurer; W. W. Harris, secretary, and Clarence H. Cooke, auditor. These, with the exception of C. H. Cooke, and the addition of C. H. Gilman, constitute the board of directors.

According to the application shares in the company are held by E. O. White, C. J. Hutchins, W. J. Forbes, C. H. Gilman, Frank Hustace, C. M. Cooke Ltd., Mrs. McCully-Higgins, A. N. Campbell, Henry Waterhouse & Co., G. N. Wilcox, A. S. Wilcox, B. F. Dillingham, W. W. Harris, F. A. Schaefer, P. C. Jones, J. B. Atherton and James McKee.

Appointment of P. D. Kellett, Jr., as administrator of the estate of George S. Houghtaling.

Fritz Meyer, the grandfather, has asked to be appointed guardian of Marie, Isabella, Frank and Charles Doering, minors. He represents that the mother is dead and the father has left the country.

Josephine da Costa has been appointed guardian of Rosa da Costa and Joan da Costa.

A motion for a new trial has been filed in the case of Na Lee vs. Manuel Correia.

COURT NOTES.

United States Attorney Breckons submitted the brief upon the motion for a new trial in the Honolulu Plantation Co. case to Judge Estee yesterday. The argument was prepared by Assistant United States Attorney Dunne, who has been the principal in all the Pearl Harbor cases so far. The defendant has five days from yesterday in which to file a reply brief. It is hardly to be expected that the court will grant a new trial, and the United States Attorney has received instructions to appeal to the Circuit Court of Appeals in case the motion is denied.

The higher court can do no more than order a new trial, though the question of trial by jury may then be raised. It will be remembered that at the beginning of the Pearl Harbor suits, this question was raised by the respondents, the United States contending that the court had the power itself to fix the amount of damages. In the Bishop estate matter Judge Estee allowed a jury trial, but distinctly stated that such ruling could not be taken as a precedent in the remaining cases. It might now be possible if an appeal is carried to the higher court that a trial without jury be ordered.

Mr. Dunne, in his argument for a new trial, relies principally upon the alleged excessiveness of the award by the second jury of \$24,000 for the leasehold and of \$8523 for the improvements on the Honolulu plantation. He says: "There is no evidence anywhere in this record fixing the value of the leasehold at \$24,000 or the improvements at \$8523."

"Neither of these findings is responsive either to the theory or the evidence of either side."

"The theory of the Government was that, by reason of its character and situation, the land was of small value. In support of this theory the Government offered consistent evidence: 'Another, \$5 per acre, or \$14,500; L.

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HEALANI MATTERS

Why There Will Be No Open House.

A very well attended meeting of the Healan Yacht and Boat Club took place on Wednesday evening last at the club house, and never before in the history of the club has there been such unanimity of opinion. One of the principal objects of discussion was the charge for lockers, which was inaugurated recently by the board of directors, and concerning which there had been unfavorable criticism by some of the members who did not understand the reason therefor.

President Wall explained that the revenues of the club had never been quite equal to the expenses; that the deficit had each year been met by popular subscription, which subscription was always advanced by the faithful few, the club at large taking no part in it. The charge was 50 cents per locker, or 25 cents per member, where two occupied one locker, and it was felt that this additional revenue derived from locker rentals would fully meet the deficit. When the matter was brought to an issue the club unanimously voted to support the directors in their action.

One matter that brought forth considerable discussion was the proposition to have admission to the Healan club house on Regatta Day in September a purely invitational affair, many arguments pro and con being offered. Those who felt that Honolulu had completely outgrown a public open house, finally carried the day without a dissenting voice, their line of argument being as follows:

Each year the club has received the sum of \$100 for entertainment purposes from the Rowing Association, while from \$350 to \$400 had been expended, meaning a net loss to the club of \$250 to \$300. Last autumn the crowd was so dense that a large number of actual club members and their families and friends were forced to seek vantage points on the wharves, or to go home, simply because they could not find standing room in their own club, and in consequence a number of the older members, who only obtain benefit from their membership on race days, threatened to hand in their resignation. The final conclusion was as follows:

That a committee of three be appointed by the board of directors, said committee to issue cards of invitation to the members for distribution among their friends. Each member of the club simply furnishes this committee with a list of those for whom they wish cards, no limit being placed upon the number that each individual may ask. In other words each Healanian may ask as many friends as he may wish, while no one will be admitted who has not one of these cards of invitation. In case the Myrtles adopt the same ruling, as they unquestionably will, in self defense, if for no other reason, the wearers of the Blue will propose to them that the cards of the two clubs will act as an open sesame at either club house.

President Wall, Captain Church, ex-Captain Atkinson and a number of others spoke on rowing, the excellent prospects of the club for the year, and the lack of interest on the part of the seamen and the club at large, due to a cock-sure feeling, that would lose the championship unless soon overcome.

The new shell and oars ordered from England will reach Honolulu on the 17th or 18th of June, in ample time for the crew to become accustomed to it prior to the races of July 4th. A committee of three, with Allan Dunn as chairman, will be appointed to work up some sort of an entertainment to raise the balance of \$300 still due on the shell. When this arrives the club will be, for the first time in its history, very well equipped as far as four-oared racing boats are concerned, having three Australian lapstreaks and three cedar shells.

Beginning with Monday, May 12th, the crews will practice nightly on the harbor, indulging in short runs after rowing, in order to help their leg muscles and wind. Captain Church is ably assisted in the coaching by Jack Atkinson and Carl Rhodes, while F. W. Klebahn, the crack German oarsman, has promised to come out shortly and take active charge of the senior crew. It looks on paper as if with the men, the boats, and the coaching force that the Healan Club have at their command, they ought to have a two-to-one chance in both races on the Fourth, but it is evident to any old oarsman, who saw the men row last year, that they have fallen off terribly in their form, are listless in their rowing and badly need general shaking up. Unless a decided improvement in attendance and spirit takes place very shortly, their opponents will have a long lead in the race.

MAJOR WOOD TO LEAVE HAWAII

Major Wood, of the Salvation Army, sprang a surprise on the members during their meeting last night when he announced that orders had been received from the headquarters for Mr. Wood and himself to leave the Islands in the near future and proceed to the Coast, where they will fill the positions of provincial secretaries for junior work. The Major explained that Mrs. Wood's poor health was partly the reason for their departure, at the same time the Major has been in charge of the work in the Hawaiian Islands longer than any previous commanding officer, so that a change would have naturally taken place soon.

The new provisional officer will be Major Harris, who is not a stranger to the Islands, having accompanied Colonel French in his tour here last fall. Major Wood will make a short farewell visit to Hawaii and Maui within the next month, and expects to get away for the Coast on the Sonoma on June 17. The Major, who has been very prominent in religious circles since his arrival here over two years ago, will be greatly missed, and leaves many friends behind him. He has been active in Y. M. C. A. work, Ministerial Union meetings, and a firm supporter of the Anti-Saloon League and other temperance organizations.

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NATIONAL GUARD PROMOTIONS

The following promotions have been announced in the Hawaiian National Guard:

Co. G, with rank from May 5th—Private A. M. Kakinio to be sergeant, Private M. Kuali to be corporal, Private M. Laleo to be corporal, Private D. Kaloaka to be corporal.

Co. F, with rank from May 5th—Private J. J. Donnelly to be corporal, Private A. M. Walcott to be corporal, Private V. Pitsammons to be corporal.

Co. E, with rank from May 5th—Private A. L. Kanooa to be corporal, Private K. Wahoa to be corporal, Private R. Opunui to be corporal. Rank from May 5th—Private K. Wahoa to be corporal, Private M. P. K. Hipsa to be corporal, Private D. Kamaniulu to be corporal.

Co. B, rank from May 5th—Corporal F. W. Wood to be sergeant.

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BEAUTIFULSKIN

Soft White Hands Luxuriant Hair Produced by CUTICURA SOAP.

MILLIONS OF WOMEN USE CUTICURA SOAP exclusively for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of baths for annoying irritations and chafings, or too free or offensive perspiration, in the form of washes for ulcerative weaknesses, and for many antiseptic purposes which readily suggest themselves to women and especially mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA SOAP combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients, and the most refreshing of flower odors. No other medicated soap ever compounded is to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines, in ONE SOAP at ONE PRICE, the best skin and complexion soap, the BEST toilet and BEST baby soap in the world.

Complete External and Internal Treatment for Every Humour,

Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE SET is often sufficient to cure the severest humours, with loss of hair, when all else fails. Sold throughout the world. "All about the Skin, Scalp, and Hair," post free, of Aust. Depot, E. Towns & Co., Sydney, N.S.W. So. African Depot: LEFFORS LTD., Cape Town. POTTER DRUG AND CHEM. CO., Sole Props., Boston, U.S.A.

A GOOD TOP BUGGY, \$100.00

WAGONS, PHAETONS, BRAKES, SURREYS, BUGGIES, RUNABOUTS. Harness, Varnishes, Carriage Material, Iron Horse Shoes.

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WRITE OUR ILLUSTRATED CATALOGUE AND US FOR OUR ILLUSTRATED CATALOGUE AND PRICES

MOVING!

The World Doth Move; So Do We.

True, we were fired from the corner to which we are now moving, but we have got back into favor and will soon occupy our handsome new building. New stock? Well, everybody well knows our former stock was pretty well disposed of. Everything entirely new, larger, better and greater variety of goods than ever before. Watch us build our displays in interior and in the windows and come and see us as soon as we open.

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Pacific Mail Steamship Co.

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Steamers of the above companies will call at Honolulu and leave this port on or about the dates below mentioned:

FOR CHINA AND JAPAN.		FOR SAN FRANCISCO:	
DORIC	MAY 18	PERU	MAY 18
NIPPON MARU	MAY 16	COPTIC	MAY 19
PERU	MAY 24	AMERICA MARU	MAY 20
COPTIC	JUNE 2	PEKING	MAY 22
AMERICA MARU	JUNE 11	GALIC	JUNE 7
PEKING	JUNE 19	HONGKONG MARU	JUNE 12
GALIC	JUNE 25	CHINA	JUNE 21
HONGKONG MARU	JULY 15	DORIC	JUNE 22
CHINA	JULY 15	NIPPON MARU	JULY 1
DORIC	JULY 21	PERU	JULY 1
NIPPON MARU	JULY 21	COPTIC	JULY 1
PERU	AUG. 1	AMERICA MARU	JULY 2
COPTIC	AUG. 16	PEKING	AUG. 3
AMERICA MARU	AUG. 22	GALIC	AUG. 22
		HONGKONG MARU	AUG. 22

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AGENTS.

